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THE
PRIVATE AND LOCAL
ACTS
OF THE
GENERAL ASSEMBLY
OF
PRINCE EDWARD ISLAND,

FROM

THE ESTABLISHMENT OF THE LEGISLATURE, IN THE THIRTEENTH
YEAR OF THE REIGN OF HIS MAJESTY KING GEORGE
THE THIRD, A. D. 1773,

TO

THE TWENTY-FIFTH YEAR OF THE REIGN OF HER PRESENT MAJESTY
QUEEN VICTORIA, A. D. 1862.



CHARLOTTETOWN:

PRINTED BY JOHN INGS, AT THE "ROYAL GAZETTE" OFFICE.

1862.



Published under the authority of 23 Vic. cap. 10, and 24 Vic. cap. 3.

EDWARD PALMER,
JOHN LONGWORTH,
WILLIAM H. POPE,

Commissioners.

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PRIVATE AND LOCAL ACTS.

ANNO SECUNDO

GULIELMI IV. REGIS.

CAP. XVII.

An Act to incorporate the minister and trustees of Saint James's Church, in the town of Charlottetown.

Amended by 15
Vic. c. 16, and
19 Vic. c. 24.

[Passed April 4, 1832.]

WHEREAS the ground, upon which the Church for the public worship and exercise of the religion of the Church of Scotland in the town of Charlottetown, commonly called Saint James's Church, has been erected, is held by trustees, under and by virtue of a deed of conveyance by lease and release from Alexander Birnie, of the city of London, merchant, bearing date at Charlottetown, the thirtieth day of September, which was in the year of our Lord one thousand eight hundred and twenty-five: and whereas the said trustees are not a body corporate, and no provision is made for the election of successors to the said trustees from time to time on their death or removal from the Island, the said ground being granted by the said deed of conveyance to the trustees therein named, and the survivor or survivors of them, their heirs and assigns, upon the trust therein mentioned: and whereas the Reverend James Mackintosh, minister of the congregation of the Church of Scotland using the church erected as aforesaid in the said town of Charlottetown, and William Cullen and John Macgill, merchants, John Mackieson, surgeon, and Alexander Brown, schoolmaster, all of Charlottetown, aforesaid, trustees of the said church, and others, having, by their humble petition to the Legislature, represented the inconveniences result-

ing from the provisions of the said above mentioned deed of conveyance under which the said ground is held as aforesaid, and the want of a corporate capacity in the said trustees to enforce by legal process the payment of the rents payable by holders of pews in the said church, as well as to enable them to hold any other lands or real estate that might be granted and conveyed for the use of the said church, and prayed for an Act of Incorporation in order to afford them relief in the premises:

Incorporates
the trustees of
Saint James's
Church.

Style of corpo-
ration.

Powers of cor-
poration.

Three members
to form a quo-
rum.

Ground convey-
ed to trustees
to be holden by
corporation.

Corporation
may hold real

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the said William Cullen, John Macgrill, John Mackieson, and Alexander Brown, trustees as aforesaid, together with the said Reverend James Mackintosh, Thomas Owen, merchant, George Dalrymple, chemist and druggist, and William Cranston, farmer, all of Charlottetown, aforesaid, and their successors, for ever, (which said successors are to be elected in way and manner hereinafter directed) shall be, and they are hereby constituted and declared a body corporate and politic in name and in deed, by the name and style of "The Minister and Trustees of Saint James's Church"—shall be a perpetual corporation, and shall have perpetual succession and a common seal, with power to break, change, and alter the same, from time to time, at pleasure, and shall be in law capable of suing or being sued, pleading or being impleaded, defending or being defended, answering or being answered unto, in all Courts of Judicature, in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with relative to the funds of the said corporation, and the business and purposes for which it is hereby constituted, as hereinafter declared; and may make, establish and put in execution, alter or repeal, such by-laws, rules, ordinances and regulations, as shall not be contrary to the constitution and laws of this Island, or to the provisions of this Act, or to the constitution of the Church of Scotland, and as may appear to the said corporation necessary and expedient for the interests thereof: provided always, that three of the members of the said corporation shall form a quorum, for all matters to be done or disposed of by the said corporation.

II. And be it further enacted, That the ground aforesaid held by the trustees named in the hereinbefore mentioned deed of conveyance, shall be holden by the said corporation, to stand and be possessed thereof for ever, to and for the several limitations, trusts and uses, declared and expressed in the said deed, so far as this Act shall not alter or affect the same.

III. And be it further enacted, That it shall and may be lawful for the said corporation to accept any such real estate

as may hereafter be gratuitously given, granted or bequeathed for the use of the said Church, which shall not, together with that already holden by the said trustees as aforesaid, exceed in value and yield at any time more than a clear net yearly income of five hundred pounds sterling; and that the said corporation shall and may sell, alienate and dispose of the said real estate so bequeathed, from time to time, as they shall see fit.

estate not, exceeding, in yearly value £500 sterling.

V. And be it further enacted, That whenever a vacancy shall happen by the death, or the removal, or otherwise, of the minister of the said church, it shall be the duty of the Kirk session, within eight days from the time of every such vacancy happening, to require, by a notice or requisition published at least twice in the *Royal Gazette*, or some other newspaper printed in Charlottetown, a meeting of the pewholders of said church not in arrear of rent, to assemble in the said church on a day not more than ten days after the day of such notification, at a convenient hour, for the purpose of taking the steps necessary for supplying such vacancy or vacancies as aforesaid, by electing a committee of seven (five to form a quorum) of said pewholders not in arrear of pew rent, who shall have full power, conjointly with the members of the corporation for the time being, or as many of them as may choose to attend, to take such steps as to them, or the majority of them, may seem best adapted for speedily obtaining, to be minister of said church, a regularly ordained minister of the Church of Scotland; and at which meeting the senior member of session present shall preside; and if at any such election there shall be an equality of votes, the member of session so presiding shall have the casting vote.

Mode of appointing minister.

Qualification of minister.

VIII. And be it further enacted, That on a requisition signed by twenty pewholders, specifying the object they have in view, it shall be the duty of the said session to call a public meeting of the pewholders, to be held within ten days after the receipt of said requisition.

Mode of calling meeting of pewholders.

X. And be it further enacted, That all deeds of gift and conveyance of real estate which shall be made to the said corporation, shall be enregistered within twelve calendar months after the execution thereof respectively, in the proper office for the registration of deeds in this Island; which registration the proper officer is hereby required to make at the request of the bearer of such deeds, respectively, and for which he shall be entitled to demand and receive the usual fees; and in default of such registration as aforesaid of any such deed or deeds as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made and executed.

Deeds of gift, &c., to be registered within 12 months after execution.

Saving the rights of the king, and others.

XI. And be it further enacted, That nothing herein contained shall affect, or be construed to affect, in any manner or way, the rights of His Majesty, his heirs or successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned.

Public Act.

XII. And be it further enacted, That this Act shall be deemed a public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and ministers of justice, and other persons whomsoever, without being specially pleaded.

* * The 4th, 6th, 7th and 9th sections of this Act are repealed by 15 Vic. c. 16.

CAP. XVIII.

Altered and amended by 19 Vic. c. 16.

An Act to incorporate the minister and elders of Saint John's Church, in the district of Belfast.

[Passed April 4, 1832.]

WHEREAS by a deed of indenture, bearing date the second day of June, in the year of our Lord one thousand eight hundred and twenty-five, Andrew Colville, of Ochiltree and Crommie, in the County of Fife, and of Langley, in the County of Kent, Esquire, John Halket, of Cheltenham, in the County of Gloucester, Esquire, and Sir James Montgomery, Baronet, Knight of the Shire for the County of Peebles, trustees appointed by the last will and testament of the late Right Honorable Thomas Earl of Selkirk, deceased, and the executors thereof, granted and conveyed unto Malcolm Macmillan the younger, of Lot or Township number sixty-two, Angus Bell, of Lot or Township number sixty-two, Lanchlan Morrison, of Lot or Township number sixty, Donald McRae, of Lot or Township number fifty-eight, and Alexander Macleod, of Lot or Township number fifty-seven, in this Island, farmers, a certain piece and parcel of land in trust and for the use of divers persons of the profession of worship approved of by the General Assembly of the Church of Scotland, situated in the parish of Saint John, in the County of Queen's County, containing eight acres, and therein particularly described and set forth: and whereas sundry inhabitants of the district of Belfast and its vicinity, in the County of Queen's County, being of the Protestant profession of faith approved of by the said General Assembly of the Church of Scotland, have by voluntary contributions erected a handsome building for a place of public worship, which it is intended shall be in connection with the Established Church of Scotland: and whereas it would prove highly advantageous to the said Church, that the said title to the said parcel of land should be transferred to

and vested in the minister and elders of the said church— which said minister and elders have been duly appointed and chosen, according to the usages of the Church of Scotland, and that the said minister has been duly licensed to officiate in the said church :

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Reverend John Maclellan, minister of the said church, and the elders already named and appointed, and their successors in office, being elected, appointed and licensed in the manner authorized by the laws and regulations of the established Church of Scotland, shall be deemed and taken to be, in all Courts of law and equity, the proprietors of the said parcel of land, instead of the said persons now having title thereto as aforesaid; and that the said title to the said parcel of land shall henceforward be transferred and vested in the said minister and elders, commonly known by the name of the Kirk Session, and their successors, for ever, being so appointed, elected and approved of as aforesaid, to have and to hold, use and enjoy the same, for the use and intent aforesaid; saving nevertheless the right of His Majesty, his heirs and successors, and of all bodies politic and corporate, and of all other persons, to the said parcel of land, except the said persons in whom the title is vested as aforesaid, for the use aforesaid.

Minister and elders of Saint John's Church, and their successors in office to be deemed proprietors of the parcel of land conveyed for the site of said church—

Saving the right of the king, &c.

II. And be it further enacted, by the authority aforesaid, That the said minister and elders shall be and they are hereby incorporated by the name of "The minister and elders of Saint John's Church, in the district of Belfast, and parish of Saint John"—that they shall by that name have a perpetual succession, and a common seal, with power to break, change or alter the same, from time to time, at pleasure; and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take and hold gifts and grants of land and real estate, the annual income of which shall not exceed the sum of five hundred pounds, currency, and also to receive donations for the endowment of the same.

Minister and elders incorporated.

May hold real estate to the amount of £500 per annum.

PRIVATE AND LOCAL ACTS.

—
ANNO TERTIO

GULIELMI IV. REGIS.

—
CAP. XX.

An Act to enable the several congregations of the Church of England in this Island to choose churchwardens and vestries, and for incorporating the same; and to repeal the former Act for appointing vestries.

[Passed April 6, 1833.]

Amended by
23 Vic. c. 34.

21 G. 3, c. 10.

Congregations
of the different
Churches to
meet annually
to elect vestry-
men.

WHEREAS the Act passed in the twenty-first year of the reign of his late Majesty King George the Third, intituled An Act appointing vestries, is in its operation confined to the Parish of Charlotte: and whereas it will be conducive to the good government and interest of the Church of England in this Island, if the provisions of the said Act extended to the several Counties and Parishes within this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the publication of this Act, it shall and may be lawful, to and for the persons composing the congregation of each and every Church erected and formed, or hereafter to be erected and formed, within this Island, being of the Church of England as established by Law, to meet annually on Tuesday in Whitsuntide week,* at such time as the minister duly licensed and appointed to the said Church of which such congregation are members, shall appoint, (notice having been given from the pulpit at least one Sunday previous to the said day of meeting,) and then and there to proceed to the election of eight fit and proper persons, professing the faith of the Church of England, to be the vestry of the

*Altered by 23. Vic. c. 34., to Easter Monday.

said Church, out of which number the said vestry so elected, together with the minister, shall make choice of two fit and discreet persons to be the churchwardens of the said Church; which said churchwardens and vestry, so elected, chosen and appointed, shall have such powers and authorities for the benefit of the said Church as are usually exercised by the churchwardens and vestries in the parish churches of England; and shall, together with the minister of the said Church, be, to all intents and purposes, a body politic and corporate, in deed and in name, by the style and title of "The Minister, churchwardens and vestry of the Church of _____ in the Parish of _____" (according to the name of the Church and of the Parish in which the same may be situate); and by that name to have perpetual succession, and to sue and be sued, answer and be answered unto; and to sell or let the pews of their respective Churches, and to ask, demand, sue for, levy, recover and receive the purchase moneys of the same; and to sue for, levy, recover and receive all rates and assessments that may be imposed and made, under and by virtue of this Act; and to take, receive and hold, use, possess and enjoy, all gifts and grants, public and private, as well of land and tenements as of money, goods and chattels, according to their best discretion, and according to the true intent and meaning of the donors — provided that the same shall not exceed in yearly value the sum of one thousand pounds, for each and every Church respectively.

Minister & vestry to choose churchwardens.

Incorporates minister churchwardens and vestry.

Style of corporation.

Powers of corporation.

May hold and possess gifts of lands, goods, &c., not to exceed £1000 in yearly value, each.

II. And be it further enacted, that it shall and may be lawful for the minister, churchwardens and vestry of each Church respectively, from time to time, as they may see fit, to call a public meeting of the congregation thereof — due notice immediately after divine service having been given, at least three Sundays previous to such intended meeting, stating the purposes for which the same is called — which meeting, when so assembled, shall have power to fix the rate of pews, and to make and order such levies and assessments, to and for the necessary purposes of the said Church, as to the majority of them may seem meet, and to cause such repairs, alterations and improvements to be made as to them shall seem necessary; provided always, that no rate, levy or assessment shall be deemed valid, unless there shall have been present at the making thereof a majority of the pewholders, either by themselves, or by some person or persons duly authorized to act for them.

Mode of calling public meetings.

Such meetings to fix rates of pews, levy assessments &c.

No rate to be valid, unless a majority of the pewholders be present at such meetings.

III. And be it further enacted, that it shall and may be lawful to and for such public meeting of the congregation to elect and appoint the clerk, organist, sexton, beadle, verger, and other officers, and fix the rate of salary to be paid to each respectively; provided always, that the clerk so chosen shall be subject to the approval of the minister of such Church;

Congregation to elect officers and fix salaries.

Clerk to be subject to approval of minister.

and on his signifying his disapproval of such choice, the said congregation shall proceed to elect another in the room of the person so disapproved of; which said person, so last elected, shall be likewise subject to the approval of the said minister.

What persons shall have voice at said meetings.

IV. And to prevent disputes as to the liability of persons to be rated and assessed, under and by virtue of this Act; Be it further enacted, that the congregations of the said Churches, respectively liable to be rated and assessed for the support of the said Churches, shall be composed of and consist of the pewholders and such other persons who claim to be present and vote at the election of the churchwardens, vestry, and other officers of the said Church, and none other.

Minister, churchwardens and vestry to make by-laws, &c.

V. And be it further enacted, that it shall and may be lawful to and for the minister, churchwardens and vestry of their respective Churches, to make such by-laws, rules and regulations respecting the good government of such Church, the preservation of the property thereof, and the mode and manner by which persons who may conceive themselves aggrieved by rate, levy, assessment or otherwise, may have redress and appeal, as to them shall seem expedient: provided always, that no such by-laws, rules or regulations, shall have any force or effect, until the same shall have been submitted to and approved of by a public meeting of the congregation to be called for that purpose in manner hereinbefore pointed out.

By-laws not to have any force until approved of at a public meeting.

Repeals 21 G. 3, c. 10.

VI. And be it further enacted, that an Act made and passed in the twenty-first year of the reign of his late Majesty King George the Third, intituled "An Act appointing vestries," be and the same is hereby repealed.

PRIVATE AND LOCAL ACTS.

ANNO QUINTO

GULIELMI IV. REGIS.

CAP. V.

An Act concerning the property of the Methodist Society at
Charlottetown.

Amended by 17
Vic. c. 16, and
22 Vic. c. 16.

[Passed April 10, 1835.]

WHEREAS a certain extensive society or congregation of the people called Methodists, professing the doctrines taught by the late Mr. John Wesley, has long been established in Charlottetown, under the spiritual care of ministers appointed at the yearly conference of the people called Methodists, as established by a deed poll of the said John Wesley, under his hand and seal, bearing date the twenty-eighth day of February, in the year one thousand seven hundred and eighty-four, and enrolled in His Majesty's High Court of Chancery at London; for the use and benefit of which said society or congregation, divers lands have heretofore been purchased in Charlottetown, and conveyed to trustees to and for the use and benefit of the said society, of all which said lands and tenements a description, together with the dates of, and the parties to the respective deeds whereby the same are conveyed, is contained in the schedule (A), to this Act annexed, as by reference thereto will at large appear: and whereas the said several lands and premises in the annexed schedule (A) described, are now under the care and management of persons as trustees of and for the said society: that is to say, Isaac Smith, Robert Longworth, John Boyyer, Christopher Cross, Henry Smith, John Trenaman, William Tanton, Thomas Dawson and Charles Welsh, all of Charlottetown, who either are the survivors of

the trustees named in the said deeds, or have been from time to time nominated to be trustees for the said society; but by reason that no conveyances of the said lands, or of their interest therein, have been made by the trustees, or heirs of the trustees who are deceased or have left the society, to the new trustees, and from other causes, the title to the said lands has become uncertain, and the present trustees cannot sell, mortgage, or dispose of the said lands, or occupy the same, for the purposes of the said society, in so beneficial a manner as is desired: wherefore the said trustees have applied for such powers, authorities and remedies as in and by this Act are provided, in respect to the premises: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, the said Isaac Smith, Robert Longworth, John Boyyer, Christopher Cross, Henry Smith, John Trenaman, William Tanton, Thomas Dawson and Charles Welsh, and each and every one of them, so long as they respectively continue members of the said society or congregation of people called Methodists, as aforesaid, at Charlottetown, and all and every person or persons who, at any time or times hereafter shall be chosen, upon any vacancy in the said trust, and in the manner hereafter mentioned, to supply the same, shall be and be deemed, to all intents and purposes whatsoever, the trustees of and for all and singular the estate, real or personal, of the said society, or for the use and benefit thereof, now obtained, or possessed by or belonging to the said society, or any in trust therefor, under the descriptions and by the deeds in the said schedule (A.) contained or referred to, or hereafter to be obtained by or conveyed to the said trustees or their successors, for the benefit and purposes of the said society; and the said persons and their successors in office shall constitute and form one continuing trust or board of nine members, to be called "The Trustees of the Methodist Society at Charlottetown."

Trust established.

Names of trustees.

Official name of trustees.

President of trustees.

Power of president.

Board of trustees.

Vacancies in trust, how filled

II. And be it further enacted, That the superintendent preacher of Charlottetown Circuit for the time being, shall, by virtue of such office, be entitled to preside at all meetings of the said board of trustees, and sign the minutes of their proceedings, and shall have, with the several trustees for the time being, a vote upon all questions, and in all resolutions and decisions of the said board.

III. And be it further enacted, That the said board of trustees may at any time hereafter be reduced to any number not below five trustees, therein not including the superintendent preacher for the time being.

IV. And be it further enacted, That as vacancies in the said trust shall arise, by death, resignation of office, or by any

of the trustees ceasing to be a member or members of such society, every such vacancy shall be supplied by the choice of a new trustee, to be made by the continuing and surviving trustees, or the major part of them, and to be entered in the minutes of the proceedings of the said trust, to be kept in proper books to be provided for that purpose; and when and so often as a choice of a new trustee shall be made, the said continuing or surviving trustees, or the majority of them, shall make, sign and seal an instrument declaring such choice, and the party chosen shall also execute the same, in proof of his acceptance of the office of trustee; and such instrument shall be in the form set forth in the schedule (B) to this Act annexed, and shall be registered on the oath of the subscribing witness thereof, in the books of registry in this Island; and upon such registry being made, the new trustee shall become a member of the trust, as fully and effectually as if he were named in this Act to that office.

V. And be it further enacted, That from and immediately after the passing of this Act, all and singular the lands, hereditaments and premises described in the said schedule (A) to this Act annexed, and their respective appurtenances, and the rents, issues, profits and benefits thereof, and all the estate, right, title, interest, use, trust, inheritance, property, claim and demand whatsoever, both in law and equity, of the said several persons or trustees named in the said several indentures in the said schedule (A) mentioned, and of the survivors of any of the said persons or trustees, and of the several or respective heirs or assigns of the said persons or trustees respectively, who are since deceased, whomsoever and wheresoever, and all moneys, goods, chattels and personal estate whatsoever, held by the trustees in the said several indentures named, or the survivors of them, or by the present trustees of the said society; and further, all securities for money or other obligatory instruments, evidences or muniments, and all rights or claims arising from or out of the said property, shall be and become the property of the said trustees in and by this Act appointed, and shall be and become vested in them, as and for the same estate and interest as the trustees named in the said indentures, or the survivors of them, or the heirs or assigns of the trustees who have died or ceased to be trustees, or the present trustees of the said society, had, or have, or were, or now are entitled to have therein, and without any assignments, deeds or conveyances whatsoever, to be made thereof; and after the death of any of the trustees by this Act appointed, or any other vacancy occurring in the said board of trustees hereby established, shall vest in the succeeding trustees for the time being, respectively chosen to fill such vacancies, in conjunction with the continuing trustees, without any deed, conveyance or assignment made, or required to

Vests property
in trustees na-
med in this Act.

be made, by the heirs of any trustee so dying, or by any trustee so resigning, or by the continuing trustees, or any of them, on any or either of the occasions aforesaid.

Conveyance of property to trustees named in this Act.

VI. And be it further enacted, That the surviving trustees named in the before recited indentures shall, and they are hereby authorized, at the request of the board of trustees, to release and convey all and singular the lands in the said indentures described, unto the trustees hereby appointed, with their appurtenances, in fee simple.

Trustees may sue and be sued, &c.

VII. And be it further enacted, That the said trustees hereby appointed, and their successors, shall, and are hereby authorized and empowered, in their name of office, to bring or defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in law or equity, touching or concerning the lands, real or personal estate, debts, claims, rights and property of the said trustees, or of the said society at Charlottetown; and the same estate and property shall, when necessary, in every such proceeding, be stated to be the property of the said trustees, by their name of office herein given and established; and the said trustees, by their said name of office, shall and may in all cases concerning the respective lands in the schedule (A) described, or other real or personal estate to be vested in them, debts, claims, rights and property of the said board of trustees, or of the said society whatsoever, sue and be sued, implead and be impleaded, as trustees by their said official designation; and no such suit, action or prosecution shall be discontinued or abate, by the death of any such trustee or his ceasing to be such trustee; but shall and may be proceeded in by the board of trustees for the time being, any law, usage, or custom to the contrary notwithstanding; and the trustees for the time being shall pay or receive the like moneys, costs and expenses, as if the action or suit had been prosecuted by individuals, and for the benefit of, or to be reimbursed from, the trust funds of the society.

Trustees may purchase or otherwise acquire property.

VIII. And be it further enacted, That it shall and may be lawful for the trustees for the time being, appointed by or in pursuance of this Act, or the major part of them, and they are hereby empowered, in their several names, and under their designation of "The Trustees of the Society of Methodists in Charlottetown," to contract for and purchase, or in any lawful mode acquire or obtain, either in fee simple, or for any life or lives, or term or terms of years, for the benefit or purposes of the said society, any messuages, lands, tenements, buildings or hereditaments whatsoever in this Island, and to take and receive the necessary and legal conveyances, leases, deeds, assignments, or other transfers thereof, respectively, to hold

for, upon, under and subject to the uses and purposes in this Act mentioned.

IX. And be it further enacted, That it shall and may be lawful for the said trustees for the time being, or the major part of them, and they are hereby authorized and empowered, to grant, sell, exchange, mortgage, lease, convey or dispose of, to such person or persons as they may think proper, and for such prices, sums, rents or terms as shall be agreed upon, as well all or any part of the said lands, hereditaments and premises described in the several indentures, or any of them, in the schedule (A) mentioned, as also all or any part of any other lands and hereditaments hereafter to be conveyed to, or held by the said trustees for the time being, and all or any of the personal estate and property of the said trustees, or society for the time being, and to such extent and such proportions, and at such times as the trustees for the time being, shall think proper to exchange, sell, mortgage, lease, convey, or dispose of the same; and every such deed, mortgage, lease, or conveyance thereof, executed by the trustees for the time being, in their name of office aforesaid, and signed by them respectively, or by the major part of them, shall be sufficient and valid in law, to convey to the grantee, mortgagee, lessee or purchaser, or grantees, mortgagees, lessees or purchasers respectively, either in perpetuity, or by way of mortgage, or of lease for years, or otherwise, as the case may be, all such estate, title and interest therein, as the said trustees or the said society now have or are entitled to, or hereafter may have, hold, or be entitled unto, or into or out of any such real estate, or property whatsoever, now held, or hereafter to be obtained, so granted, mortgaged, leased, or disposed of, or as the said trustees for the time being, on behalf of the society, may lawfully require by such deed, mortgage, lease or conveyance respectively, to vest in the grantee, mortgagee, or lessee named therein.

Trustees may sell, exchange, mortgage or lease property.

X. And be it further enacted, That all and singular the lands, hereditaments and premises which are in the annexed schedule (A) described, and in the deeds therein referred to contained, or which shall or may hereafter be purchased and conveyed to the said trustees, for the use of the said society, and every part and parcel thereof, with the several and respective appurtenances thereto belonging, and all personal estate, moneys and effects aforesaid, shall at all times hereafter be taken, held, possessed and enjoyed by the trustees for the time being under this Act, upon special trust and confidence, and to the intent that they, and the survivors of them, and the trustees for the time being, do and shall take, hold, possess, apply and dispose of the same, and every part thereof, for the use, benefit and advantage of the said society of Me-

Object of trust created by this Act.

thodists at Charlottetown, in Prince Edward Island, and for the sites of the chapels or meeting houses, dwellings of the ministers for the time being of the said society, burial places, school-houses, or other purposes whatsoever, to which it may, for the advantage, support and well being of the said society, and the ministers, members or poor thereof, be at any time or times, by the trustees for the time being, found expedient or desirable to appropriate, apply or dispose of the same; but subject nevertheless to such powers of mortgaging, leasing, selling, conveying and disposing of the said real and personal estate, as are hereinbefore vested in the said trustees, and subject also to all such sales, exchanges, deeds, mortgages, leases, or other dispositions as may be thereof made as aforesaid; and upon this further special trust and confidence, and to the intent that the said trustees for the time being, do and shall, from time to time, and at all times for ever, permit such persons as shall be appointed at the yearly conference of the people called Methodists, as established by a deed poll of the before mentioned John Wesley, under his hand and seal, bearing date the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and eighty-four, and enrolled in his Majesty's High Court of Chancery in London, and no others (except with the consent of the superintendent preacher for the time being of the Charlottetown circuit,) to have and enjoy the free use and benefit of the present meeting house and chapel, or of any future meeting house or chapel which may be erected in lieu thereof, to the end that such persons may therein preach and expound God's holy word, and for the performance of all other acts of religious worship therein, without suit or interruption whatsoever; and upon this further trust and confidence, that the said real and personal estate, and every part thereof, shall (subject as aforesaid) at all times hereafter be held in trust for the benefit of the several persons belonging to the society or congregation in Prince Edward Island, connected with and under the direction of the preachers or ministers appointed by the said conference, for ever.

Receipts of trustees to be good.

XI. And be it further enacted, That the receipts of the said trustees shall be good and sufficient discharge for all moneys paid to them, for or on account of any of the trust funds or property aforesaid; and the party paying shall in no case be obliged to see to the application thereof; nor shall the trustees be answerable for each other, but each of them shall be answerable for his own acts and receipts; nor shall any trustee be in anywise answerable or liable for any loss or deficiency of the trust funds or property, or profits to arise therefrom, unless the same arise from his own wilful misconduct or neglect; and each and every of the trustees shall retain, be paid and allowed all costs, charges and expenses incurred in and about the trust aforesaid.

SCHEDULES to which this Act refers.

Schedule (A.) containing a description of the lands in Charlottetown, conveyed in trust for the Methodist society, and the dates of the respective deeds, and the parties thereto.

First—All that piece or parcel of ground situate, lying and being in Charlottetown aforesaid, being the eastern moiety or full equal half part of lot number fifty-three (53,) in the second hundred of town lots in the said town, as the same is numbered and laid down in the map or plan of the said town kept in the Surveyor General's Office; which land and premises, by deed, dated the fifth day of October, one thousand eight hundred and ten, was conveyed by Benjamin Evans, merchant, to Joseph Robinson, Thomas Desbrisay, the younger, Joseph Avar, Thomas Murphy and Paul Mabey, and to their heirs and assigns, in trust, for a preaching house and conveyency, as shall be judged necessary, for the benefit and accommodation of the Society of the people called Methodists, at Charlottetown, as by the said deed, duly registered at Charlottetown, on the eleventh day of July, one thousand eight hundred and fourteen, will appear.

Secondly—A certain piece of ground, being the northern moiety, or equal half part of lot number twenty-one (21), in the second hundred of lots within Charlottetown aforesaid, having a front of eighty feet on Prince street, and eighty feet on the division line between lot twenty-two (22) and the said lot twenty-one, (21) and which said land was, by deed, dated the sixteenth day of November, in the year one thousand eight hundred and thirty-three, conveyed by John Summers and Ruth his wife, to Isaac Smith, Charles Welsh, Robert Longworth, John Bovyer, Christopher Cross, Henry Smith, John Trenaman, William Tanton and Thomas Dawson, and to their heirs and assigns in trust, for the purposes mentioned and set forth in the said deed, and which said deed was duly registered in the proper office in this Island for the recording of deeds, on the third day of December, in the year one thousand eight hundred and thirty-three.

SCHEDULE (B.) to which this Act refers.

Know all men by these presents, that we (names of continuing trustees,) all of Charlottetown, the present members of the Board of trustees of the Methodist society at Charlottetown, constituted by the Act of the General Assembly of this Island, passed in the fifth year of the reign of his Majesty King William the Fourth, and intituled "An Act concerning

Certificate of
appointment of
new trustees.

the property of the Methodist society at Charlottetown, having this day met together in Charlottetown, for the choice of a new trustee, in the room of (name of trustee, whose seat is vacant), whose death, resignation or other cause, has occasioned a vacancy in the said trust, did, pursuant to the powers and direction by the said Act given, duly, by a majority of votes of us the present trustees, choose and elect (name of party chosen, his residence and designation,) being a member of the society of Methodists at Charlottetown, to be one of the Board of trustees, in and by the said Act established, and the said (name of new trustee) having accepted the office, and consented to act as one of the said Board, as by his hand and seal to these presents subscribed and set, is signified, we the said continuing trustees do hereby elect, nominate, constitute and appoint him the said (name), so long as he shall continue a member of the said society at Charlottetown, to be a member of the trust aforesaid, and one of the statute trustees of the Methodist society at Charlottetown, with full power and authority to have, use and exercise, in conjunction with the other trustees for the time being, all the trusts, powers, rights, privileges and authorities, and to fulfil and discharge all the duties which in and by the said Act are or may be discharged, used or exercised by the said Board of trustees, pursuant to the said statute. In witness whereof, we and the said newly elected trustee, have hereunto our hands and seals subscribed and set, at Charlottetown, this day of in the year of our Lord one thousand eight hundred and

Signed and sealed in the presence of us

PRIVATE AND LOCAL ACTS.

ANNO SEXTO

GULIELMI IV. REGIS.

CAP. XXIII.

An Act to incorporate the trustees of Saint Andrew's College,
and to repeal a certain Act therein mentioned.

[Passed April 18, 1836.]

WHEREAS the Right Reverend Æneas Bernard Maceachern, Catholic Bishop of Charlottetown, now deceased, did, on the thirtieth day of November, one thousand eight hundred and thirty-one, establish a College at Saint Andrew's, in this Island, which is commonly called Saint Andrew's College; and whereas the said late Right Reverend Æneas Bernard Maceachern hath, by lease and release, bearing date respectively the seventeenth and eighteenth days of January, one thousand eight hundred and thirty-three, (a copy of which said indenture of release is contained in the schedule to this Act annexed) given up all his claim, right, title and interest in and to the said college, with certain lands, tenements and hereditaments thereunto belonging, as declared and set forth in the said deed of release, unto the Right Reverend Æneas Bernard Maceachern, Roman Catholic Bishop of Charlottetown, Right Reverend William Fraser, Roman Catholic Bishop of Tanen, the Reverend Bernard Donald Macdonald, of Charlottetown, aforesaid, the Reverend Sylvanus Perry, Belle Alliance, in Prince County, John Small Macdonald, of West River, in Queen's County, Esquire, Daniel Brenan, of Charlottetown aforesaid, Esquire, Angus Macdonald, of Three

Incorporates the trustees named in trust deed of Saint Andrew's College, and their successors.

Style of Corporation.

Powers of Corporation.

Five members to be a quorum.

Lands held by trustees named in trust deed, to be holden by corporation.

Corporation may hold real or personal estate, not ex-

Rivers, in King's County, Esquire, and Donald Macdonald of Tracadie, in Queen's County, Esquire, their heirs and successors, as trustees of said college, to have and to hold the said lands, tenements and hereditaments in fee simple, for ever, for the use and benefit of the said college: and whereas also it is necessary, for the better regulation thereof, to render the surviving trustees, together with another trustee, to be appointed as hereinafter mentioned, a body corporate and politic, with perpetual succession: Be it therefore enacted, by the President, Council and Assembly, that the said Right Reverend William Fraser, the Reverend Bernard Donald Macdonald, the Reverend Sylvanus Perry, John Small Macdonald, Daniel Brennan, Angus Macdonald and Donald Macdonald, with another trustee to be appointed as hereinafter mentioned, and their successors for ever—which said successors shall be elected and chosen in way and manner hereinafter mentioned—shall be and they are hereby constituted and declared a body corporate and politic, in name and in deed, and by the name and style of "The Trustees of Saint Andrew's College," shall be a perpetual corporation, and shall have succession for ever, and a common seal, with power to break, change and alter the same, from time to time, at pleasure; and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, answering or being answered unto, in all Courts of Judicature, in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with, relative to the funds of the said corporation, and the business and purposes for which it is hereby constituted, as is hereinafter declared; and may make, establish and put in execution, alter or repeal, such by-laws, rules, ordinances and regulations, not contrary to the laws of this Island, or the provisions of this Act, as the said corporation may think necessary and expedient for the better regulation and management thereof: provided always, that five of the members of the said corporation shall be a quorum, for all matters and business to be done or transacted by the said corporation, not hereinafter provided for.

II. And be it further enacted, That the lands, messuages and tenements aforesaid, now held by the surviving trustees named in the before mentioned release, shall be holden by the said corporation, to stand and be possessed thereof for ever, to and for the several trusts and purposes expressed and set forth in said release, so far as this Act shall not alter or affect the same.

III. And be it further enacted, That it shall and may be lawful for the said corporation to purchase any real or personal estate, or accept such as may be given, granted, devised or bequeathed, for the use and benefit of the said college,

which shall not, together with that already holden by the said trustees as aforesaid, exceed the net yearly value or income of one thousand pounds sterling; and that the said corporation shall and may sell, alienate or dispose of the said real or personal estate so purchased, given, granted, devised or bequeathed from time to time, as they may see fit.

ceeding in value £1000 sterling per annum

IV. And be it further enacted, That no person shall be authorized, or have power to vote for the election of a trustee, or member of the said corporation, except such as shall have subscribed and paid towards the support of the said college the sum of one pound annually, for at least two years previous to such election, or as shall have contributed at one time to the value of twenty pounds, (which sum shall entitle him to vote at the election of a member of said corporation, as often as occasion may be, during his life,) or any one of the before named surviving trustees, and the trustees to be appointed as hereinafter mentioned, and their successors in office for ever.

What persons shall vote for trustees.

V. And be it further enacted, That when a vacancy shall happen in the said corporation, by death, resignation, or other removal, of either or any of the before named Right Reverend William Fraser, Reverend Bernard Donald Macdonald, Reverend Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, or the trustee to be appointed as hereinafter mentioned, or either or any of their successors in office, the said vacancy shall be filled up and supplied by the person who shall be duly elected by a majority of the votes of the surviving or remaining members of the said corporation, together with such other persons as shall be entitled to vote and be there present and give their votes; and the person so chosen or elected shall not have any power or authority to exercise his functions as a member of said corporation, until his said election shall be duly registered in the proper register office within this Island; which registry shall be on the production of a certificate, signed by the trustee or trustees present at such election, and on the oath of one of them, or of any subscribing witness thereto.

Mode of filling up vacancies in corporation.

VI. Provided always, and be it further enacted, That not more than four of the members of said corporation shall be clergymen of the Church of Rome, in holy orders—and proof of the celebration of any religious service by such person, according to the rites of the Church of Rome, shall be deemed and taken to be *prima facie* evidence of the fact of such person being in holy orders, within the intent and meaning of this Act.

Not more than four of the trustees to be in holy orders.

VII. And be it further enacted, That there shall be a book or register kept by the said corporation, in which shall be con-

A book to be kept for entering by-laws.

lists of donations, &c.

tained the by laws, rules and regulations, which may be made or put in execution from time to time, for the government and management of the said college, as well as the proceedings that may from time to time take place in filling up vacancies, and also a regular list of such persons as may contribute towards the support of the said college, either by gift, devise, bequest or annual subscription, expressing the exact amount of the same.

Corporation not to interfere with religious opinions of students.

VIII. And be it further enacted, That the said corporation shall not have any power or authority under or by virtue of this Act, to make any such by-laws, rules or regulations, as may be considered in any manner whatsoever a religious test; nor shall interfere with any individual student thereof in matters of religion, nor compel or request any of them to attend at prayers, or any ceremony of or relating to the Catholic Church, except such only as shall profess to belong to the said church.

Lt. Governor, to be visitor of the college.

IX. And be it further enacted, That the Lieutenant Governor or other Administrator of the Government for the time being, shall be the visitor of the said college.

Remedy in case of neglect or abuse in the management of trust.

X. And be it further enacted, That in every case of any neglect or abuse in the management of the trust created by the said recited deed and this Act, or which may hereafter be lawfully created in respect of the said trust property for the time being, or the estates and funds thereto belonging, or for regulating the administration thereof, any person interested as subscribers, donors or trustees as aforesaid, in the said property, funds or institution, may present a petition to the Chancellor of this Island, stating the abuse or neglect, and praying such relief as the nature of the case may require; and it shall be lawful for the Chancellor, and he is hereby required to hear such petition in a summary way, and upon affidavits or such other evidence as shall be produced upon such hearing, to determine the same, and to make such order therein, and with respect to the costs of such application, as to him shall seem just; and such order or decree shall be final, but shall not be enrolled until signed by the Chancellor.

Notice of vacancy in corporation, how to be given.

XI. And be it further enacted, That when a vacancy shall happen in the said corporation as aforesaid, the secretary of the said corporation shall give notice thereof, for three successive weeks, in any newspaper then printed within this Island, and shall at the same time, and in the same manner, notify the persons entitled to vote in filling up such vacancies, when and where the same shall take place.

Mode of filling up vacancy oc-

XII. And be it further enacted, That within three calendar months after the passing of this Act, a trustee in the place:

and stead of the said late Right Reverend Æneas Bernard Maceachern, deceased, shall be appointed, in the manner prescribed by this Act for the appointment of new trustees; and such new trustee, when so appointed, shall have and be invested with all the rights, powers and authority which were vested in the trustees named in the said recited deed of trust and release, and is given and confirmed to the said surviving trustees and such new trustee by this Act; and from and for ever after the said appointment the number of trustees shall always be eight.

caused by de-
cease of Bishop
Maceachern.

Powers of new
trustee.

XIII. And be it further enacted, That all deeds of gift and conveyance of real estate which shall be made to the said corporation, shall be registered within twelve calendar months after the execution thereof respectively, in the proper office for the registration of deeds within this Island; and in default of such registration as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made or executed.

Deeds of gift &
conveyance of
real estate to be
registered
within twelve
months after
execution.

XIV. And be it further enacted, That nothing herein contained shall affect, or be construed to affect, in any manner or way, the rights of His Majesty, his heirs or successors, or of any person or persons, or of any body corporate or politic—such only excepted as are herein named.

Saving the
rights of His
Majesty, &c.

XV. And be it further enacted, That this Act shall be deemed a public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and Ministers of Justice, and other persons whomsoever, without being specially pleaded.

This Act to be
deemed a public
Act.

XVI. And be it further enacted, That an Act made and passed in the third year of his present Majesty's reign, intitled "An Act to incorporate the trustees of Saint Andrew's College, in King's County, and every matter, clause and thing therein contained, be and the same are hereby repealed.

Repeals 3. W. 4,
c. 17.

SCHEDULE to which this Act refers.

This indenture, made the eighteenth day of January, in the year of our Lord one thousand eight hundred and thirty-three, between the Right Reverend Æneas Bernard Maceachern, Roman Catholic Bishop of Charlottetown, but now residing at Saint Andrew's, King's County, Prince Edward Island, of the one part, and the said Æneas Bernard Maceachern, the Right Reverend William Fraser, Roman Catholic Bishop of Tanen,

Trust deed reci-
ted in and re-
ferred to by this
Act.

the Reverend Bernard Donald Macdonald, of Charlottetown, aforesaid, the Reverend Sylvanus Perry, of Belle Alliance, in Prince Edward Island aforesaid, John Small Macdonald, of West River, in Queen's County, Esquire, Daniel Brenan, of Charlottetown, aforesaid, Esquire, Angus Macdonald, of Three Rivers, in King's County, Esquire, and Donald Macdonald, of Tracadie, in Queen's County, in the said Island, Esquire, of the other part: Whereas the said Æneas Bernard Maceachern is seized to him and his heirs in fee simple of the messuages, lands, tenements and hereditaments hereinafter released, or otherwise assured, or intended so to be; and whereas the said Æneas Bernard Maceachern, in his anxious desire to promote the education of youth, hath agreed to convey and assure the premises hereinafter particularly mentioned, unto the said trustees hereby appointed, and their heirs in succession, for the purpose of founding a college, to be called Saint Andrew's College: Now this indenture witnesseth, that for the considerations aforesaid, and also in consideration of the sum of five shillings, of lawful sterling money to the said Æneas Bernard Maceachern in hand paid, by the said Æneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, at and before the sealing and delivering of these presents, the receipt whereof the said Æneas Bernard Maceachern doth hereby admit and acknowledge, he the said Æneas Bernard Maceachern hath granted, bargained, sold, aliened and confirmed, and by these presents doth grant, bargain, sell, alien, release and confirm unto the said Æneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, in their actual possession now being, by virtue of a bargain and sale to them thereof made by the said Æneas Bernard Maceachern, in and by an indenture of bargain and sale, bearing date the day next before the day of the date of these presents, and by force of the statute made for transferring uses into possession, and to their heirs and assigns, all that tract, piece or parcel of ground or land, situate, lying and being on the north side of Hillsborough river, in the Parish of Saint Patrick, in the King's County, and in the Island of Prince Edward, aforesaid,—the whole whereof now is and heretofore hath been part and parcel of that Lot or Township which is delineated, particularized and known by being numbered and laid down as Lot or Township number thirty-eight (38), on the two several surveys or maps of the said Island—one whereof now remains in the Plantation Office, Whitehall, in the Kingdom of Great Britain, and the other in the office of his Majesty's Surveyor General for the said Island, at Charlottetown, aforesaid—relation being thereunto respectively

had, may more fully and at large appear; which said piece or parcel of ground hereby released and confirmed, or mentioned and intended so to be, contains by estimation two hundred acres of land (be the same more or less), and is bounded as follows, (that is to say)—commencing on the north side of the road leading to Saint Peter's, and commonly called Saint Peter's Road, on the boundary line of lot or township number thirty-seven (37), and running on the said boundary line due north forty-seven chains, and from thence by a line due east for the distance of forty-five chains, or until it meets the western boundary line of a certain tract of land formerly belonging to George Burns, and by him sold and conveyed to William Bentick, Esquire, Captain in his Majesty's royal navy; then running down the said lastmentioned boundary line, south, fifteen degrees west, sixty-six chains, until it meets the edge of the marsh or salt meadow land on the north side of Hillsborough River aforesaid, containing in front thereof thirty-one chains and fifty-links, (more or less); the same to commence and be computed from the firstmentioned place of admeasurement, on the said boundary line of lot or township thirty-seven (37), and to run due east until it meets the said boundary line of the said land and premises belonging to the said William Bentick, Esquire, having in front thereof a certain piece or parcel of marsh or salt meadow land, and Hillsborough river aforesaid, together with the said lastmentioned marsh or salt meadow land, together with the messuage, tenement or dwelling house thereon erected and built, or on some part thereof; also all barns, sheds, houses, outhouses, buildings, fences, meadows, feeding, marshes, woods, underwoods, timber and timber trees, ways, waters, watercourses, passages, profits, commodities and appurtenances whatsoever to the same belonging, or in anywise appertaining; and the reversion and reversions, remainder and remainders, yearly and other rents, issues and profits thereof, and of every part thereof, and also all the estate, right, title, interest, trust, property, claim and demand whatsoever, both at law and equity, of him the said Æneas Bernard Maccachern, his heirs and assigns, of, into or out of the said tract of land and premises hereby released and confirmed, and every part and parcel thereof, to have and to hold the said tract, piece or parcel of ground and premises hereby released and confirmed, and intended so to be, unto the said Æneas Bernard Maccachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, their heirs and assigns, to the only use and behoof of the said Æneas Bernard Maccachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, their heirs and assigns for ever, upon the trusts

and for the ends, intents and purposes hereinafter expressed and declared, of and concerning the same, (that is to say) — that they the said Æneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, their heirs and assigns, shall and will severally stand seised of the lands, hereditaments and premises hereby granted and released, or mentioned and intended so to be, upon trust, to support and keep up the College so to be established as hereinbefore mentioned, for the education of youth, according to the true intent and meaning of these presents: and the said Æneas Bernard Maceachern doth hereby for himself, his heirs, executors and administrators, covenant, promise and agree to and with the said Æneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, their heirs and assigns, by these presents, in manner following, (that is to say): that he the said Æneas Bernard Maceachern, at the time of the sealing and delivery of these presents, is and stands, lawfully, rightfully and absolutely seised in his demesne, as of fee, of and in the tract of land and premises hereby released or mentioned, or intended so to be, with the appurtenances, in fee simple, in possession, without any reservation, remainder, trust, limitation, use or uses, or any other matter or thing whatsoever, to alter, change, charge, revoke, make void, lessen, incumber or determine the same; and further, that the said Æneas Bernard Maceachern now hath in himself good right, full power, and lawful and absolute authority, by these presents, to grant, bargain, sell, convey, and assure the said hereby released premises, with the appurtenances, unto the said Æneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, their heirs and assigns, according to the true intent and meaning of these presents: and further, that the said tract of land, messuage, tenement, erections, buildings and premises hereby released, with the appurtenances, now are, and from henceforth for ever hereafter shall remain, continue and be, unto and to the only and proper use and behoef of the said Æneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, their heirs and assigns, for ever, freely and clearly acquitted and discharged, or otherwise well and sufficiently saved harmless, and indemnified, of, from, and against all former and other gifts, grants, bargains, sales, mortgages, jointures, dowers, and title of dower, uses, trusts, judgments, extents, executions, rents, arrears of rent, and of, from and against all and singular other estates, titles, charges

and incumbrances whatsoever, had, made, done, committed or suffered, or to be had, made, done, committed or suffered, by the said Æneas Bernard Maceachern, his heirs or assigns, or of or by any other person or persons lawfully claiming or to claim, by, from or under him, them, or any or either of them; and lastly, that he the said Æneas Bernard Maceachern, his heirs, executors and administrators, and all and every other person and persons whomsoever, having, or lawfully claiming, or who shall or may have or lawfully claim any estate, right, title, trust or interest, either at law or in equity, of and in the said hereby released premises, with the appurtenances, shall and will, from time to time, and at all times hereafter, upon the reasonable request, and at the costs and charges in the law of the said Æneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, their heirs or assigns, make, do and execute, or cause or procure to be made, done and executed, all and every such further and other lawful and reasonable act and acts, thing and things, devises, conveyances and assurances in the law whatsoever, for the further, better, more perfect and absolute granting, conveying and assuring the said hereby released premises, with the appurtenances, unto and to the use and behoof of the said Æneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, their heirs and assigns for ever, according to the true intent and meaning of these presents: In witness whereof, the said parties to these presents have hereunto set their hands and seals, the day and year first above written.

ÆNEAS BERNARD MACEACHERN,
Bishop of Charlottetown.

B. DONALD MACDONALD,

S. PERRY,

JOHN S. MACDONALD,

DANIEL BREMAN,

ANGUS MACDONALD,

DONALD MACDONALD.

Received, the day and year first within written, of and from the within named William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan,

Angus Macdonald and Donald Macdonald, the sum of five shillings, sterling money, being the consideration money within expressed to be by them paid to me.

As witness my hand,

† ÆNEAS BERNARD MACEACHERN,
Bishop of Charlottetown.

Witness,

WILLIAM MUMFORD,
WILLIAM C. MONCKTON.

PRINCE EDWARD ISLAND,
Register Office.

This release was duly registered the 20th May, 1833, at or about the hour of twelve o'clock, on the oath of William C. Monckton, a subscribing witness.

Which I certify,

(Signed)

J. P. COLLINS, Registrar.

Vide liber 39, folio, 302.

PRIVATE AND LOCAL ACTS.

—
ANNO QUARTO

VICTORIÆ REGINÆ.

—
CAP. IX.

An Act to prohibit the interment of human bodies within the limits of the town of Georgetown, and to establish burial grounds in the common thereof.

[Passed April 29, 1841.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall not be lawful for any person or persons under any pretence whatsoever to bury any human body within the limits of the town of Georgetown.

Prohibits the interment of human bodies within limits of Georgetown.

II. And be it enacted, That every person who shall bury, or cause to be buried, or who shall aid or assist in burying any such body or bodies within the limits of the said town, shall be liable to a fine of five pounds, and costs, and also to the expenses of disinterment, and the burial in the burying ground of the religious denomination to which the deceased belonged; or should that not be known, in the general burying ground; the same to be recovered in her Majesty's name on the information of any person, before one or more of her Majesty's Justices of the Peace for the said town, as the case or cases may be, and be levied by warrant of distress, and sale of the goods and chattels of such offender or offenders, and for want of goods and chattels whereon to levy, it shall and may be lawful for the said Justice or Justices to commit the offender or offenders to the common jail of the said town for a period not exceeding ninety days; and such fine, when so recovered, shall be paid into her Majesty's treasury, to and for the use of her Majesty's government.

Penalty on persons aiding or assisting, in interring human bodies within said town.

Mode of recovery of penalty.

Appropriation of penalty.

Any Justice of Peace may order disinterment of any human body.

Costs and expenses how recovered.

III. And be it enacted, That when and as often as it shall become necessary to disinter, and rebury any human body under the directions of this Act, the same shall be done and performed by the order of any one Justice of the Peace, as aforesaid; and the costs and expenses thereof, and also the costs and charges of any prosecution under this Act where the same shall not be recovered by due course of law from the offender or offenders, shall be paid out of the public treasury, upon an account in writing, duly attested on oath, and certified by any such Justice of the Peace as aforesaid, being presented to the Administrator of the Government for the time being, in Council, who is hereby authorized to cause a warrant to be drawn on the treasury of this Island, for the amount of the said account in favor of the person or persons entitled to receive the same.

Appropriates a tract of land in common of Georgetown as a burial ground for Roman Catholics.

IV. And be it enacted, That it shall and may be lawful for the Roman Catholics to hold and possess as a burial ground in the common of Georgetown, a further tract of land in the said common, adjoining the tract now occupied by them as a burial ground in the said common, so that the same shall not in the whole exceed two acres of land, the length of which shall not exceed the breadth more than one half, which shall be laid off and admeasured by Her Majesty's Surveyor General for this Island, and a description thereof, under the hand of the said Surveyor General, shall be recorded in the Registry office of this Colony.

Appropriates a tract of land in said common as a burial ground for Presbyterians.

V. And be it enacted, That it shall and may be lawful for the Presbyterians to hold and possess as a burial ground in the common of Georgetown, a further tract of land in the said common, adjoining the tract now occupied by them as a burial ground in the said common, so that the same shall not in the whole exceed one acre and a half of land, the length of which shall not exceed the breadth more than one half, the same to be laid off and admeasured, and a description thereof recorded in the way and manner prescribed and directed in the fourth section of this Act.

Appropriates a tract of land in said common to members of Church of England.

VI. And be it enacted, That it shall and may be lawful for the members of the Church of England and Ireland, as by law established, to hold and possess as a burial ground, in the common of Georgetown, a further tract of land in the said common adjoining to a tract of land now occupied by them as aforesaid, as a burial ground in the said common, so that the same shall not in the whole exceed one and one half acre of land, the length of which shall not exceed the breadth more than one half, the same to be laid off and admeasured, and a description thereof recorded in the way and manner prescribed and directed in the fourth section of this Act.

VII. And be it enacted, That the Surveyor General of this Island shall lay off and admeasure a tract of land in the said common of Georgetown, adjoining the tracts of land laid off for the Presbyterians as aforesaid, a further tract of land not exceeding three acres, the length of which shall not exceed the breadth more than one half, for other Protestants, and as a general burial ground, and so as the whole of the tracts so to be laid off for Protestants shall not in the whole exceed six acres, the length of which shall not exceed the breadth more than two times and a half, and so as the said tracts so laid off for Protestants as aforesaid shall be in parallel lines with the lines of the common of Georgetown.

Surveyor General to lay off a tract of land in said common as a general burial ground for other denominations of Protestants.

PRIVATE AND LOCAL ACTS.

—
ANNO SEXTO

VICTORIÆ REGINÆ.

—
CAP. XXVII.

An Act to prevent trespassing on the common of Georgetown.

[Passed April 15, 1843.]

WHEREAS several encroachments have been made on the rights of commonage to the certain piece or parcel of ground known and designated as the common of Georgetown, in this Island, by the building thereon of dwelling houses and the enclosing of portions thereof with fences for private use, to the prejudice of the inhabitants of the said town: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That no person or persons shall henceforth encroach on, or devote, or appropriate, any part or parcel of the common of Georgetown to any private purpose, benefit or use whatsoever, saving and excepting such parts thereof as are already appropriated for graveyards.

No person to encroach on the common of Georgetown.

Conservators to be appointed.

II. And be it enacted, That it shall and may be lawful for the administration of the Government for the time being, in the month of July, in each year, to nominate and appoint three householders, resident in Georgetown, to act as conservators of the common of the said town for one year, and no longer.

Penalty on persons refusing to serve as conservators of common.

III. And be it enacted, That any person or persons appointed as aforesaid, to act or serve as conservator or conservators of said Common, and refusing or neglecting to act or serve as such, in manner hereinafter defined, shall, on the

information of one or more credible witness or witnesses, given to any one of Her Majesty's Justices of the Peace, residing in Georgetown, be summoned by said Magistrate to appear before him to answer for his or their refusal so to act or serve, and on satisfactory proof, by the evidence of one or more credible witness or witnesses, of the refusal or neglect of such conservator or conservators to serve in that capacity, as hereinafter stated, he or they shall be, by such Magistrate or Justice of the Peace, fined in a sum not exceeding two pounds, such fine to be levied on his or their goods and chattels, unless paid within twenty-four hours after conviction, to the Justice of the Peace who shall adjudicate in the case, and half the fine shall be paid by such Justice to the road commissioner of the district in which Georgetown is situated, to be appropriated by him to the improvement of the streets of Georgetown, and the other half to the informant.

Mode of recovery thereof.

Appropriation of penalty.

IV. And be it enacted, That it shall be the duty of such conservators to inspect said common within one week after notice of their appointment, and if on such inspection, or at any other time, they or any of them, shall find any obstruction to the freest access to any and every part of the common aforesaid, by dwelling house or houses, or other house or houses, or enclosure or enclosures, or any other obstruction or obstructions whatsoever, placed thereon, by any person in any manner or way, then, and in such case, the person causing or making such obstruction, shall be notified by the conservators, or any one of them, to remove the same within forty-eight hours after serving such notification, and in the event of the refusal of such offender or offenders to remove such obstruction or obstructions, the conservators or any of them, shall make complaint against the person or persons so refusing to remove such obstruction or obstructions, to any one of Her Majesty's Justices of the Peace resident in Georgetown, which Justice shall, at the suit of such conservators, or any of them, proceed against such trespasser for every such trespass, obstruction or encroachment, and on proof thereof, by one or more credible witness or witnesses, to be liable to a fine not exceeding two pounds, together with the cost of such suit, and in default of payment, the fine, with costs, shall be levied on the goods and chattels of the offender, and if no such goods and chattels shall be found, then the offender shall be committed to jail for a space of time not exceeding thirty days.

Duty of conservators of common.

Persons causing obstructions on Common, &c., liable to a penalty not exceeding £2 and costs.

V. Provided always, and be it enacted, That in case such conservators, or any of them, cannot ascertain by whom such trespass, obstruction, or encroachment was committed, then, and in such case, the conservators, or any of them, may and shall apply to any one of her Majesty's Justices of the Peace, resident in the town aforesaid, for a warrant to sell such ob-

Duty of conservator when persons causing obstructions cannot be found.

Obstruction not salable, to be destroyed.

struction, subject to its removal, within forty-eight hours, from off said common, and the proceeds of such sale, deducting costs, shall be paid to the road commissioner of the district in which Georgetown is situated, the same to be appropriated to the improvement of the streets in said town, and in the event of such obstruction consisting of decayed houses or fences, or any other material or matter, that, in the opinion of the said conservators, would not sell to pay for the cost of removal, then, and in such case, the conservators, or any of them, by authority of such Justice, shall cause the same to be destroyed by fire, or otherwise removed as may be found most expedient.

Mode of proceeding against persons obstructing conservators in discharge of their duty.

VI. And be it enacted, That if any person or persons shall obstruct such conservators, or any of them, or any person appointed by them, in the discharge of their or his duty, as hereinbefore prescribed, then, and in such case, such conservators, or any of them, shall make complaint to any Justice of the Peace, resident as aforesaid, whereupon such Justice of the Peace shall grant a warrant to any of the Constables of King's County for the apprehension of such offender, and if it shall be proved on the oath of one or more credible witness or witnesses, to the satisfaction of the said Justice, that the party is guilty of the alleged offence, then, and in such case, the said Justice shall commit the offender or offenders to the Jail of King's County, there to be confined for a space not exceeding two months.

Offender, on conviction, to be imprisoned.

Occupant of house, &c. on common, to have use of same for six months from passing of this Act.

VIII. Provided always, and be it enacted, That any person residing on said common at the time of the passing of this Act shall have the unmolested use of any dwelling house and other buildings and of any enclosure he now occupies thereon, until the termination of six months next after the passing of this Act, and no longer; but no person so residing shall have any other exclusive privilege for said or any other time; and if, at the termination of the specified six months, he or such person shall not have removed such house or houses, building or fences around any enclosure on said common he may have so made, then he or such shall be proceeded against as other offenders hereinbefore mentioned, any thing to the contrary notwithstanding.

Fees to be taken under this Act.

VIII. And be it enacted, That the following fees shall be exacted for the services enjoined by this Act:

JUSTICE'S FEES:

Justices' fees.

Drawing and engrossing affidavit, one shilling and six pence. Subpoena, one shilling.

Each warrant, one shilling.
Every judgment, three shillings.
Every summons, one shilling and six pence.

CONSTABLE'S FEES:

For executing each warrant or process, one shilling.
Mileage, per mile, three pence.

Constable's
fees.

WITNESSES' FEES:

Each day's attendance, two shillings.
Mileage, per mile, three pence.

Witnesses' fees.

PRIVATE AND LOCAL ACTS.

ANNO SEPTIMO

VICTORIÆ REGINÆ.

CAP. XXX.

An Act relating to entire horses.

[Passed March 30, 1844.]

Entire horses kept for covering within Charlottetown, how to be so used.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That no entire horse, being more than one year old, shall be used as such within the town of Charlottetown except under such regulations as are hereinafter provided; that is to say, no such horse shall be so used as aforesaid, in any unenclosed place whatsoever, but only within some permanent building, having roof and walls, and the doors of which shall be closed.

Penalty on owners using such horses contrary to provisions of this Act.

II. And be it enacted, That any owner or other person having charge of such horse, who shall cause or permit the use of such horse for the purposes aforesaid, otherwise than within such building as aforesaid, shall, for every such offence, forfeit and pay a sum of not less than ten shillings, or more than two pounds, which sum shall be paid to the overseer of highways for the precinct wherein such offence has been committed, and applied towards the repair of the roads.

Appropriation of penalty.

III. And be it enacted, That such fine, together with costs, shall be levied before any one of Her Majesty's Justices of the Peace or a Commissioner of small debts, within Charlottetown or the royalty thereof, on the oath of one or more credible witness or witnesses, and in case such fine shall not forthwith be paid, then it shall be levied by distress and sale of the goods and chattels of the offender; and in case no goods shall be found whereon to levy such distress, it shall be lawful for the said Justice to commit the said offender to the jail of Charlottetown, for any period not exceeding two calendar months, unless such fine and costs shall be sooner paid.

Mode of recovery of penalty
For want of chattels whereon to levy, offender to be imprisoned.

PRIVATE AND LOCAL ACTS.

—
ANNO DECIMO

VICTORIÆ REGINÆ.

—
CAP. VII.

Continued by
18 Vic. c. 30.

An Act to prevent the running at large of hogs within the town, common and royalty of Charlottetown.

[Passed April 22, 1847.]

Lt. Governor
to appoint hog
reeves for Char-
lottetown, and
also for com-
mon and royal-
ty of said town.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for his Excellency the Lieutenant Governor, immediately after the passing of this Act, and on the first Wednesday in May in every year thereafter, during the continuance of this Act, to nominate and appoint four fit and proper persons residing within the town of Charlottetown, to be hog reeves within the said town, for the space of one year, and ten fit and proper persons residing within the common or royalty of Charlottetown, to be hog reeves for the said common and royalty for the same period, and the person or persons who may refuse to serve in the said office shall forfeit and pay the sum of five pounds each, to be recovered before any two of her Majesty's Justices of the Peace residing within the said town, common or royalty, and to be levied by warrant of distress and sale of the goods and chattels of such person or persons so refusing to serve in the said office, and the Lieutenant Governor is hereby authorized to nominate and choose other persons to serve in their stead.

Duty of such
hog reeves
respectively.

II. And be it enacted, That the said hog reeves shall, and are hereby required to take up, or cause to be taken up, all

hogs running at large within the places for which they shall be respectively appointed as aforesaid, and sell and dispose of the same at public auction, and all persons obstructing, by any way or manner whatsoever, any such hog reeve or hog reeves in the execution of his or their duty, shall forfeit and pay a fine not exceeding five pounds, and not less than forty shillings, to be recovered before any one of her said Majesty's Justices of the Peace, and to be levied of the offender or offenders' goods and chattels by warrant of distress; and in the event of the offender or offenders not having goods or chattels whereupon to levy the said fine, then the said Justice of the Peace is hereby authorized and empowered to commit the said offender or offenders to the jail of Charlottetown, for a space of time not exceeding thirty days, nor less than fourteen days.

Duty of such hog reeves respectively.

III. And be it enacted, That if the said fourteen persons, or any of them so to be appointed hog reeves, shall neglect or refuse to perform the duties of the said office by not taking up all hogs found running at large within the places for which he or they shall be respectively appointed as aforesaid, and disposing of the same in the manner hereinbefore mentioned, each and every hog reeve so neglecting or refusing to perform such duties shall forfeit and pay the sum of five pounds, to be recovered before any one of her Majesty's said Justices of the Peace, together with costs of suit, and to be levied by warrant of distress of the goods and chattels of such hog reeve or hog reeves, one half of the said fine to be paid into the treasury of this Island for the use of her Majesty's government, and the other moiety to the person who may prosecute such hog reeve or reeves.

Penalty on reeves neglecting or refusing to perform duty imposed by this Act.

Appropriation of such penalty.

IV. And be it enacted, That the several fines and forfeitures recoverable under and by virtue of this Act, excepting one half of the fine imposed by the second clause, shall be paid into the treasury of this Island, for the use of her Majesty's Government, and that one half of the fine imposed by the said second clause shall be paid to the hog reeve or hog reeves who shall prosecute and sue for the same.

Appropriation of other penalties imposed by this Act.

V. And be it enacted, That this Act shall continue and be in force for seven years, and from thence to the end of the then next session of the General Assembly.

Continuance of Act.

* * This Act has been repealed by virtue of a law of the City Council of Charlottetown, passed under the powers vested in said corporation by the Act 18th Vic. cap. 34, sec. 37, so far as it relates to the Town and Common.

* * See Act 24th Vic. cap. 13, which contains a general enactment authorizing the appointment of hog reeves in any district of the Island.

PRIVATE AND LOCAL ACTS.

ANNO UNDECIMO

VICTORIÆ REGINÆ.

CAP. IX.

An Act to incorporate a mutual fire insurance company.

Amended by
12 Vic. c. 32.

[Passed May 4, 1848.]

Incorporates
certain persons
by the name of
"The Char-
lottetown mu-
tual fire insu-
rance com-
pany."

WHEREAS it has been deemed advisable to establish a mutual fire insurance company, for Charlottetown, common lots and royalty; and whereas the several persons hereinafter named, have united, with many others, to form the said company, which shall be mutual in its character: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that Daniel Brenan, Charles Young, Thomas Pethick, Dennis Reddin, Henry Palmer, John Davis, the younger, John Trenaman, John Williams, Christopher Cross, John Thomas, Edward L. Lydiard, Henry Haszard, George Beer, the younger, William R. Watson, James N. Harris, William Heard, William Hodgson, John B. Cox, and Robert Mackie, and all and every such other person and persons as shall from time to time become insurers in the company and undertaking hereby established, as hereinafter is mentioned, and their respective successors, executors, administrators and assigns, shall henceforth be, and they are hereby united into a company, and declared to be one body politic and corporate, by the name of the "Charlottetown Mutual Fire Insurance Company," and by that name shall have perpetual succession.

and a common seal, with power the same seal to change, alter, break and make new, as to the company shall seem fit, and, by that name also, shall and may sue and be sued, plead or be impleaded, at law or in equity, and shall and may prefer and prosecute any bill or bills of indictment against any person or persons who shall commit any felony, misdemeanor or other offence, by law indictable, and shall and may institute and pursue any criminal proceedings whatsoever, in any Court or Courts in this Island, for offences that may be committed by any person or persons whomsoever, and for any trespass that may be committed, before any Justice or Justices of the Peace, commissioner or commissioners, or other competent jurisdiction: and shall by that name be capable, authorized and empowered to purchase, have, hold, receive, possess and enjoy lands, messuages, houses, hereditaments, and real estates, whatsoever, within this Island, either in fee simple, or for terms of life or lives, or years, or in any other manner, but not exceeding in value five thousand pounds, and likewise moneys, goods, chattels, effects and other things of whatsoever kind or quality, and shall, by that name and in their corporate capacity, be capable, authorized and empowered, to give, grant, sell, assign, mortgage, demise, absolute or conditionally, or otherwise dispose of all or any part of such real and personal estate, or property, as aforesaid, as to the said company shall seem meet, and at their free will and pleasure: provided always, that the purchase money of the lands, messuages, houses or real estate, requisite for the offices and buildings for the business of the company, and the expenditure for the erection of such offices and buildings, shall not exceed the sum of five hundred pounds, unless to replace the same, or to repair damages by the accidental destruction thereof, a larger expenditure shall become necessary.

Powers and privileges of corporation.

Corporation may hold real estate to the value of £5000.

Limits the amount to be expended by corporation, for offices, to £500.

II. And be it enacted, That the said real and personal estate of the said corporation shall be liable for and subject to the payment of all debts contracted by the said company, and that none of the present or future members of the company shall be liable for the payment of any debt contracted beyond the amount specified in the bond to be given by each member of the company, as hereinafter set forth.

Real and personal estate of corporation to be liable to payment of its debts.

III. And be it enacted, That no person shall be considered a member of the said company, until he shall make, execute and deliver to the said company, a bond, with one or more sureties, if the board of directors shall deem necessary, to be conditioned, that he shall abide by the regulations and by-laws of the said company, and pay his proportion of any demand against the company that may be decided by the rules thereof under a penalty of five *per centum* on the amount of his property insured: provided always, that in any one year,

No person to be deemed a member until bond given, &c.

Bond to be given by members subject to approval of certain persons.

he shall not be called upon to pay more than five *per centum*, on the amount insured on his property, for the payment of losses incurred during that year, while he continues a member thereof, which bond shall be subject to the approval of the first nine persons named in this Act, until the board of directors shall be chosen, and afterwards, to the approval of such board; and judgment may be entered on the said bond when necessary; and if judgment be not entered up within a year and a day after the date of the said bond, the same may be obtained without the usual requisites.

Management of business of corporation to be conducted by 13 directors.

IV. And be it enacted, That the management and regulation of the affairs and business of the said company shall be conducted by, and vested in a board of directors, to consist of thirteen directors, who shall have power to choose, from among themselves, a president, and shall also have power either to choose, from among themselves, or from the company, a treasurer and a secretary; the offices of treasurer and secretary may be vested in one person, if the directors shall think fit; and that the necessary officers of the said company shall be, and at all times, except in cases of vacancies arising from death, resignation or otherwise, shall consist of one president, twelve directors, a treasurer, a secretary, two auditors or examiners of the accounts of the company, as many appraisers as may be necessary, and such other officers and servants as the said directors shall think proper to constitute and appoint, for the better management and conducting of the business thereof, and that the several powers, authorities, duties, rights and privileges of such president, directors, treasurer, secretary, auditors, appraisers and other officers and servants of the said company so to be appointed, shall be, as in and by this Act is, or by the by-laws of the said company shall hereafter be prescribed and established; and that six directors, with the president, or chairman for the time being, appointed by the directors in the absence of the president, shall form a quorum, for the transaction of the business of the said company.

Powers and authorities of directors and officers, &c.

Qualification of directors of corporation.

V. And be it enacted, That no member of the said company shall be qualified to be elected, or to act as a director of the same, unless he shall, at the day of election, have at least three hundred pounds insured in the said company, and during the time he shall continue to be such director continue to have at least three hundred pounds insured therein: provided also, that during the present year, directors may be elected and act as such, who have entered into the said bond, to the amount of three hundred pounds, on property to be insured in the said company, and who have paid the deposit hereinafter named.

VI. And be it enacted, That the interest of each mem-

ber in the said company, shall be, and be deemed personal estate, and as such personal estate, shall be assigned and transmissible accordingly, but no interest shall be divisible or divided or assigned in parts; and the said members of the company, and their several and respective executors, administrators and assigns, shall not be liable to any debts of, or demands against the said company, beyond the condition of the said bond.

Interest of members to be deemed personal estate, and assignable, &c. accordingly.

VII. And be it enacted, That the annual general meeting of the said company shall be held in the month of January in every year, after this present year, and at such day and place as the board of directors shall appoint; and that special meetings of the company shall be summoned by the directors, when they shall deem the same necessary, or whensoever a requisition therefor in writing shall be delivered to the president or secretary, signed by twenty members, and specifying the object of such meeting; and that meetings of the board of directors shall be held at the office of the company, at least once in every month, and at such other times as the directors shall think proper, or as the business of the company may require: provided always that notice of the day appointed for the annual, or any general or special meeting of the company, shall be given by an advertisement, at least seven days previous thereto, in one of the public newspapers of this Island.

Annual general meeting when to be holden.

Meetings of board of directors, where and when to be held

VIII. And be it enacted, That at every annual general, and special meeting of the company, every member thereof shall be entitled to vote according to the amount insured by the said member in the said company; in manner following, that is to say; each member that has property insured in the said company to the amount of one hundred pounds and upwards, to one thousand pounds, shall be entitled to one vote; each member that has property insured in the said company to the amount of one thousand and five hundred pounds, shall be entitled to two votes, and each member that has property insured in the said company to the amount of two thousand pounds and upwards, shall be entitled to three votes, and may give such vote or votes, by his or her proxy duly constituted according to the by-laws, such proxy being a member entitled to vote, but no member shall be allowed to hold more than five proxies; and at every meeting of the board of directors, each director shall have one vote only; and every question, matter or thing which shall be proposed, discussed or considered at any general or special meeting of the company, shall be determined by a majority of the votes and proxies then given; and every question, matter or thing, which shall be proposed, discussed, or considered at any meeting of the board of directors, shall be determined by the majority of votes then given by the directors then present; and in case it should

Regulates the voting of members of corporation.

Limits the number of proxies to be held by any one member.

Majority of votes to determine questions, &c.

President or chairman to have a casting vote.

happen that at any general or special meeting of the company, or meeting of the board of directors, the votes shall be equal, then the president of the company, or in his absence the chairman of the meeting or of the board shall be entitled to a casting vote only upon the matters under discussion.

No annual or special meeting to be held unless 50 members or majority present.

IX. And be it enacted, That no annual or special meeting of the company shall be held, unless there be present thereat fifty members, or a majority of the said company, and at every such annual or special meeting of the company, the president, or in his absence, one of the members to be chosen at such meeting respectively, shall be chairman of such meeting respectively; and that if at any day appointed for such meeting of the company, a sufficient number of members shall not attend within one hour after the time appointed for the meeting, then, and in every such case, the meeting shall be adjourned until the next or some future day, by the president, or by one of the directors, or by the secretary, or by such person as may attend in his or their place or stead.

By whom an adjournment is to be declared.

Duty of Secretary.

X. And be it enacted, That the orders and proceedings of every general or special meeting of the company shall be entered by the secretary of the company in a book or books to be kept for that purpose, and shall then be signed by the president or chairman of the meeting, and being so entered and signed shall be taken and deemed to be the original orders and proceedings of such meeting, and shall be received as such, upon due proof thereof, in all Courts and places, and on all occasions whatsoever.

How business of corporation is to be commenced.

XI. And be it enacted, That the five persons first named in this Act shall, as soon as conveniently may be, after the passing hereof, by an advertisement, to be published in one of the Island newspapers, give notice that a members' book will be opened on a day, and at a certain place to be mentioned, and shall then and there open a proper book for the purpose, and therein receive and take the amount of property intended to be insured in the said company by each person; and each person shall at the same time pay to the said five persons, or any three of them, on behalf of the company, the sum of fifteen shillings, as a deposit, and the said deposit shall be taken and allowed to every person who shall pay it as part of the amount of the first premium of insurance to be paid by such person to the said company; provided such person take out a policy within six months thereafter; and every person who shall neglect or refuse to take out a policy as aforesaid, shall forfeit to the said company the said deposit.

Deposit to be paid by each member.

Deposit to be forfeited unless policy taken out within six months.

Regulates the election of directors.

XII. And be it enacted, That at every annual general meeting of the said company held in the month of January in every year, the directors of the said company for the then cur-

rent year, shall be elected by ballot in the following manner ; that is to say, the members shall first elect five directors for the then current year, out of the thirteen directors who have served for the preceding year, and shall then elect eight other directors from the members of the company, eligible as hereinbefore provided ; provided always, that it shall and may be lawful for the said members to reelect the other eight persons who were directors the preceding year, or any of them, if they shall think proper so to do.

XIII. And be it enacted, That the office of the president or directors, treasurer, secretary, or auditors of the said company, shall become, and may by the board be declared vacant, on the death, resignation, three months' absence, or permanent removal of such officer from the Island, or by a vote of the general meeting of the members removing the officer for misconduct, or malversation in office, and every such vacancy shall be filled up by the choice of a member to be made by the board of directors, and who shall serve until the annual meeting ; and at every such annual meeting, persons shall be elected to supply the place of these officers, who are as aforesaid to go out of office on the thirty-first day of January annually, or whose offices have been vacated as aforesaid and all officers elected at the annual meeting, shall enter upon their offices on the thirty-first day of January in every year after the present year : provided always, that any director so going out of office, shall be capable of being reelected by the company.

How offices of directors, treasurer, &c., become vacant.

Vacancies, how to be filled up.

Time of entry upon duties of respective offices.

XIV. And be it enacted, That all orders and directions for insurance against fire, to the said company given, and by them accepted, and all policies of insurance by the said company made, and sealed with the common seal thereof, and signed by the president of the company, or any chairman of the board of directors, and also by one of the directors, and by the secretary, shall be binding and obligatory upon the said company, and the funds in hand, arising from premiums, shall be faithfully and truly paid, in order to satisfy any loss that may arise, within sixty days from the time of such loss being settled or adjusted ; and should the said funds not amount to the said loss, then each of the members shall be called upon to pay his proportion of the said loss within forty days from the time of such loss being adjusted as aforesaid ; provided always, that in any one year, he shall not be called upon to pay more than five *per centum* on the amount insured on his property, for the payment of losses that may occur within that year, during his continuance as a member of the said company.

Orders, policies, &c., sealed with seal of corporation, and signed by president or chairman and one director to be binding, &c.

XV. And be it further enacted, That the affairs and business of the said company shall be managed and transacted by the board of directors thereof, of whom six directors, with the

Powers and duties of board of directors.

president, or in case of his death, sickness, or absence from any other cause, seven directors, one of whom being chairman of the meeting, shall constitute a meeting, and the same board of directors for the time being shall have full power and authority to meet and adjourn from time to time, and from place to place, as they shall see fit, and also to direct, manage, and conduct, with the assistance of the secretary, all the affairs and business of the company, and the taking and accepting orders for insurance, fixing the premium therefor, executing, sealing, and delivering policies of fire insurance, adjusting, settling, paying or compromising for losses claimed under policies, procuring, purchasing, leasing or obtaining suitable buildings, offices, and places for the business of the said company, and fitting the same with all things necessary therefor, and investing the funds and taking securities for the moneys of, or debts due, to the said company upon public or private stock, or real or personal securities, provided the same can be rendered available for the payment of losses within thirty days, and making and carrying into effect all contracts and bargains touching the said company, and the affairs thereof, but subject nevertheless to such orders, by-laws, rules and regulations, as at any time shall be duly made by the said company, in restraint, control or regulation of the powers and authorities hereby vested in the said board of directors.

Directors to pay secretary, treasurer, &c., allowance agreed upon.

XVI. And be it further enacted, That it shall be lawful for the said board of directors to allow and pay to the secretary, the treasurer, the appraisers, and any other officers and servants of the company, such compensation and allowances as may be agreed upon by the company, but the said president and directors shall not be entitled to take or receive any payment or remuneration whatsoever for their services respectively.

Powers and duties of directors

Books to be examined and audited.

XVII. And be it further enacted, That the said board of directors shall have power and authority, and they are hereby strictly required to cause to be balanced, the books of the said company up to the thirty-first day of December one thousand eight hundred and forty-eight, or at such other period as any general meeting shall require; and the same being so balanced, shall be carefully examined and signed by the said auditors, and approved by the board of directors, and an abstract of the said balance showing clearly and explicitly the state and the affairs of the said company, and for what amount of insurances the said company are liable, and what claims for losses have been paid and may remain unsettled, and also showing how and in what manner the consolidated fund of the company is invested or disposed of, and what sums of money are due to the company, and also stating such further particulars, as by the by-laws and regulations of the company shall

be required, shall be produced by them at the annual general meeting for the inspection of the members of the company, and a duplicate thereof, in like manner signed and attested, shall be transmitted to the office of the secretary of the Island, for the information of the Lieutenant Governor and her Majesty's Council, and of the General Assembly.

XVIII. And be it further enacted, That the said company shall have full power and authority, from time to time, at the first or at any of the general meetings as aforesaid, to make, ordain, and put in execution such rules, orders and by-laws, as to them shall seem meet and proper for regulating the proceedings of the company, the proceedings of the board of directors, the transactions of the business of the company, the conditions of the policies of the company, the government and regulation of all the officers and servants of the company, and for the superintendence and management of the affairs of the company in all respects whatsoever, and from time to time to alter and repeal such rules, orders and by-laws, or any of them, and to make others, as to the members of the company at a general meeting shall seem meet and expedient, provided fourteen days' previous notice of such alteration shall be given; and all rules, orders and by-laws so made as aforesaid, being reduced into writing, and signed by the chairman present at any such meeting, and sealed with the seal of the company, shall, in all or any Courts of law or equity, be deemed and taken to be the rules, orders and by-laws of such company: provided always, that such rules, orders, and by-laws be not repugnant to the laws of this Island, or to the laws in force within the same, or to the express directions or provisions of this Act.

Corporation may make by-laws, &c. at general meeting.

By-laws, &c., sealed with corporation seal and signed by chairman of meeting to be deemed original in all Courts

XIX. And be it further enacted, That upon the vote, three-fourths in number, of the members of the said company, it shall be lawful for the said members to dissolve the said company at a general meeting thereof, and to declare that the same shall cease on a day to be fixed, and therefrom the said company on that day shall cease and determine; but the president and board of directors and officers of the company shall continue in office during such time as shall be required for winding up the affairs and business of the company, and all corporate powers for this purpose requisite and necessary shall subsist and remain in force, until the whole of its affairs shall be finally settled and closed; and the board of directors for the time being shall and are hereby required to adopt the most immediate and effectual measures for settling, winding up, and closing all the accounts, affairs and business of the company, ascertaining, adjusting and paying the demands against the same, collecting the debts due, and converting the capital and property of the company into money, and for divi-

Corporation may be dissolved on vote of three fourths of members.

ding and paying to and among the members entitled thereto, the whole net proceeds of the same, according to their respective interests in the said company.

Directors to take security for moneys or effects of corporation.

XX. And be it enacted, That the directors shall be, and they are hereby required to take security to such amount as may be necessary, from all or any person or persons entrusted with the custody or expenditure of any of the funds or other effects of the said company.

Continuance of Act.

XXI. And be it further enacted, That this Act shall continue for the term of twenty-one years, and no longer, unless the same shall be determined in the manner before expressed.

Suspending clause.

XXII. And be it enacted, That nothing in this Act contained, shall have any force or effect until her Majesty's pleasure therein shall be known.

* * * This Act received the royal allowance on the 11th day of August, 1848, and the signification thereof was published in the *Royal Gazette* newspaper of this Island on the 12th of September of the same year.

CAP. XIII.

An Act relating to the Charlottetown ferry.

[Passed May 4, 1848.]

* * * This Act having been repealed by 15th Vic. cap. 34, and which is published in the first vol. of the public general statutes, has been omitted.

PRIVATE AND LOCAL ACTS.

ANNO DUODECIMO

VICTORIÆ REGINÆ.

CAP. XXI.

An Act to incorporate the Royal Agricultural Society of Prince Edward Island. Amended by 17 Vic. cap. 11.

[Passed May 2, 1849.]

WHEREAS William Douse, James Herron Conroy, George Coles, Charles Haszard, Thomas Heath Haviland, John Beer, Jeremiah Simpson, Thomas Owen, Bentinck Harry Cumberland, Henry Longworth, and others, inhabitants of Prince Edward Island, have, for a long time past, constituted a society for the promotion of agriculture in the said Island, and the operations of which society have been productive of much benefit to the agriculturist; and whereas a large increase to the funds of the said society would greatly extend its operations and usefulness to this Island; and whereas, at a public meeting held at Charlottetown on the eighteenth day of January, one thousand eight hundred and forty-nine, for the purpose of raising a fund for the improvement of agriculture in this Island, certain resolutions were proposed and agreed to, and a subscription list was opened, and signed by James Peake, Charles Hensley, John Myrie Holl, Daniel Hodgson and others, by which the persons signing the same, did thereby bind themselves to pay into the hands of the Treasurer of the Agricultural Society then proposed to be formed in Charlottetown, or to the Treasurer of the Royal Agricultural Society of Prince Edward Island, provided it should become incorporate, and accept a constitution on the princi-

Incorporates certain persons and others by the name of "The Royal Agricultural Society of Prince Edward Island."

Purposes of such society.

Society may purchase and receive goods and chattels,

and make and ordain by-laws, &c.

ples and under the regulations contained in the said resolutions, the several sums set against their respective names, annually, for the term of three years, on condition that the Legislature, during that time, should make an annual appropriation to the society of a sum equal to the aggregate of the amount so subscribed and paid; and whereas the members of the said Royal Agricultural Society have agreed that the said society shall become incorporated, and accept a constitution on the principles, and under the regulations set forth in the said resolutions: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that William Douse, James Herron Conroy, George Coles, Charles Hazard, Thomas Heath Haviland, John Beer, Jeremiah Simpson, Thomas Owen, Bentinck Harry Cumberland, Henry Longworth, James Peake, Charles Hensley, Daniel Hodgson, and such other persons as are now subscribers to the said society, or who shall at any time hereafter become subscribers thereto, according to such regulations and by-laws as shall hereafter be framed or enacted by the said society, shall be, and they are hereby constituted and declared a body politic and corporate for the purpose of promoting the improvement of the agricultural population in practical and scientific farming, the procuring of information, by the collection of new and important facts, having a particular reference to the capabilities of the soil, and the peculiarities of the climate, the general management, and storing of agricultural produce, the improvement of the implements of husbandry, the introduction of good seed of all kinds, the appropriation, management, and application of manures, the feeding of stock, and the importation of improved cattle of all kinds, the management of grass lands, and of the dairy, the formation of libraries, and the distribution and sale of cheap tracts and works on husbandry, and generally for the encouragement of rural and domestic economy within this Island, by the name of "The Royal Agricultural Society of Prince Edward Island," by which name they shall be a perpetual corporation, and shall have succession for ever, and a common seal, with full power and authority to alter, vary, break, and renew the same at pleasure, and by the same name shall sue, and be sued, implead, and be impleaded, answer, and be answered, in all Courts, both of law and equity, and be for ever able and capable, in the law, to purchase, receive, possess and enjoy, to them and their successors, any goods and chattels whatsoever, and to act in all the concerns of the said body politic and corporate, for the businesses and purposes for which it is hereby constituted as aforesaid, and also, that the said corporation shall, in manner hereafter mentioned, from time to time, and at all times, have full power and authority, to constitute, make, ordain, and establish, such by-laws, regulations and ordinances, as may be deemed necessary

for the good rule and government of the said society, provided that no such by-laws, rules, regulations, or ordinances, be contradictory, or repugnant to the laws of this Island, or the provisions of this Act.

II. And be it enacted, That the number of subscribers of the said body politic and corporate, shall be indefinite, but classed, according to their rate of payment, into governors and members, and that an annual subscription of not less than one pound, shall constitute the person subscribing the same, a governor, and that an annual subscription of not less than three shillings, shall constitute the person subscribing the same, a member, with such individual privileges as shall appertain respectively to each, there being added to the society such honorary corresponding members as may, from time to time, be found desirable for the promotion of its several objects.

Classification of subscribers, &c.

III. And be it enacted, That a general meeting of the governors and members of the said body politic and corporate, shall be held on the second Tuesday in May next, at Charlottetown, at which meeting there shall be chosen, by a majority thereof, a president and committee, such committee to consist of the president and two vice presidents, seven governors and seven members, together with six members of the House of Assembly for the time being, two from each County, to be appointed annually by the Lieutenant Governor in Council, such president, vice president, and governors, to be elected from the class of governors only; and such seven members to be elected indiscriminately from the governors and members of the said society, paying an annual subscription of not less than five shillings each, who shall continue from that day in their respective offices and appointments, until the first Wednesday in March, which will be in the year one thousand eight hundred and fifty, or until others are chosen in their room, and that from and after the said first Wednesday in March, one thousand eight hundred and fifty, there shall be a general meeting of the governors and members of the said society, held annually on the first Wednesday in March in each and every year, at Charlottetown, and that at such general meeting, a majority of the governors and members then present, shall have full power to elect a president and committee, such president and committee to be chosen from among the governors and members of the said society, in the manner aforesaid, who shall continue in office for one year, or until others are chosen in their room, and that the president shall be an annual officer of the society, and not be eligible for the office of president for three years, and that one vice president, three governors, and three members of the committee shall go out each year, but may be reelected.

First general meeting of society.

President, vice presidents and governors to be elected from class of governors, &c.

Powers of annual general meeting.

Committee to regulate proceedings in accordance with by-laws.

IV. And be it enacted, That such president, vice presidents and committee, shall be regulated in their proceedings by such by-laws as may and shall, from time to time, be enacted by them, conformably to the provisions of this Act, no established by-law, however, being in any case altered, or new one proposed, without at least one month's notice of such intention being given to each member of the committee.

Committee to nominate annually three persons and submit their names to Lieut. Governor in Council.

V. And be it enacted, That it shall and may be lawful for the said president and committee, annually, to nominate three fit and proper persons whose names shall be sent to the Lieutenant Governor and Council, and out of such three persons the Lieutenant Governor in Council shall name and appoint one to serve the office of general secretary and treasurer to the said society, who shall be responsible to the said president and committee for the execution and discharge of the various duties required of him, as defined, from time to time, by their by-laws and special resolutions, and who shall be subject to removal for inefficiency or otherwise, on their application to His Excellency the Lieutenant Governor in Council, and who shall, before entering upon the duties of such office, give security for the proper and faithful discharge of the same, to an amount not less than six hundred pounds; such security to be the bond of the person so named and appointed secretary and treasurer, together with two or more good and sufficient persons as sureties, to be approved of by the Lieutenant Governor in Council; such bond to be taken in the name of The Royal Agricultural Society of Prince Edward Island, and it shall be the duty of the said secretary and treasurer, annually, or oftener, if required by the president and committee so to do, to prepare and file, in the office of the secretary of this Island, a full and correct statement of the accounts and affairs of the said society, which shall be subject to the same audit as the public accounts.

Secretary and treasurer to give security, &c.

Duty of secretary & treasurer.

Special duty of society as to the establishment of branch societies.

VI. And be it enacted, That it shall be the special duty of the society, upon its becoming organized, by the election of a president and committee, and the appointment of its officers as aforesaid, and they shall proceed, and from time to time, continue to establish such and so many branch societies as they may deem necessary and expedient for extending the objects of the said society, and the furthering of agricultural improvement throughout the Island; such branch societies to be constituted, conducted and governed by, under and in accordance with the provisions hereinafter contained respecting the same, and such by-laws, rules and regulations as may, in manner aforesaid, be made by the said Royal society relating thereto, and that such Royal society shall have full power, at all times, to appoint visitors to visit and enquire into the affairs of the said branch societies, to inspect their books and proceedings and to prevent any misapplication of their funds.

Constitution of branch societies.

Royal society may appoint visitors to branch societies, &c.

VII. And be it enacted, That each branch society, so established, shall be conducted by a committee consisting of a president, vice president and seven members, together with the president and vice president of the Royal society, who together with the two members of the house of Assembly for the time being, representing the County in which such branch societies may be organized, who shall be appointed by the Lieutenant Governor in Council, as members of the said committee, as hereinbefore directed, shall be *ex officio* members of the committees of such branch societies; such president, vice president and committee, to be elected from subscribers of not less than five shillings, and that an annual subscription of not less than three shillings shall constitute the person subscribing the same a member of such branch society.

Branch societies to be conducted by a committee.

VIII. And be it enacted, That each branch society shall be entitled to appoint one of its members residing within the district of such branch society, to act as an *ex officio* member of the committee of the Royal society, in addition to those elected by the Royal society, and that any member of any branch society, on producing a certificate of the secretary of the society of which he may be a member, that his subscription thereto has been duly paid, shall be entitled to purchase seeds, implements and books at the Royal society's warehouse, in Charlottetown, at the same prices they may be sold to subscribers to the Royal society.

Each branch society may appoint one member to be an *ex officio* member of the Royal society.

IX. And whereas, for improving the breed of cattle, sheep and swine, generally, throughout the Island, it is necessary, that all improved breeds of stock imported by the society, should be so kept or disposed of as that the animals imported shall be distributed throughout the different districts of the Island: and whereas the sale of all such stock in or near Charlottetown, would lead to a very large proportion thereof being purchased and kept in and about the vicinity of the said town, whereby the more distant parts of the country would be deprived of the benefits to be derived from the importation of such stock: Be it therefore enacted, that it shall be the duty of the said Royal society to take especial care that all stock which may, from time to time, be imported by it, shall be fairly and equally divided, so that each County shall receive a fair and equal proportion thereof, and shall be sold, let, or disposed of, within the different Counties, in such places, and under and subject to such rules, regulations, and conditions, as the said society may find expedient and necessary to impose and make for the preservation of the animals, and the keeping them within the limits of the districts to which they may be respectively assigned, and also, that every branch society, so formed under the sanction and control of the Royal society, as aforesaid, shall be supplied from the warehouse of the Royal

Special duty of Royal society in the distribution of stock.

Branch societies to be supplied with seeds &c. by Royal society.

society, with such seeds, implements, and books, and treatises on agriculture, as shall be deemed necessary for supplying the wants of the subscribers of the district, assigned for the operations of such branch societies respectively; all such seeds and implements to be furnished to such branch societies at costs and charges.

Secretary and treasurer of branch societies to be nominated by committee.

X. And be it enacted, That the secretary and treasurer of the respective branch societies, shall, from time to time, be nominated by the president and committee of such societies, respectively, and appointed by the Lieutenant Governor in Council, in the same manner as is hereinbefore provided, with respect to the appointment and removal of the secretary and treasurer of the Royal society, and shall also give security to an amount not less than one hundred and fifty pounds, which securities shall be of the like nature, and taken in the same manner as is hereinbefore provided with respect to the secretary and treasurer of the Royal society, which secretaries and treasurers, respectively, shall discharge the various duties required of them, as defined from time to time by the by-laws of the Royal society, and the rules and regulations of the branch society, to which they may be respectively appointed as secretary and treasurer, not being contrary to the laws of the Royal society; and further, that such secretaries and treasurers shall, annually, on the last day of December in each year, or oftener, if required, make up and transmit to the secretary of the Royal society, a full account of the finances of the respective branch societies, and a report of their proceedings during the past year, and also, that all debts due to any branch society, may be sued for in the name of the secretary of such society, who is hereby declared a competent witness in any such suit.

Duties of secretaries and treasurers of branch societies.

How debts due to branch societies may be sued for.

XI. And whereas, in carrying out the operations of the society, some of the branch societies, which may be so established as aforesaid, may, from time to time, become indebted in considerable sums to the Royal society, and in order to prevent the funds of the Royal society from becoming wasted, and the usefulness of the society curtailed, it is necessary that the Royal society should possess ample powers in an effectual and summary manner, to enforce payment of their debts from such branch societies: Be it therefore enacted, That in case any branch society, so to be established as aforesaid, shall become indebted to the said Royal society, and shall, after three months' notice from the secretary of the Royal society, requesting payment of the amount due, neglect to pay the same, the Royal society shall have full power and authority to send some one or more of its visitors, or such other person or persons as it may see fit to appoint for that purpose, to take possession of the books, debts and effects of such branch society, and, in the name of the secretary and treasurer of the Royal society, to

Powers of royal society, when branch societies fall in arrear to royal society, &c.

ask, demand, sue for, and recover all debts which may be due and owing to such branch society so in default as aforesaid, returning the overplus, if any, to such branch society.

XII. And be it enacted, That the persons who have heretofore signed and become, or may hereafter sign and become subscribers to the said subscription list opened at the said public meeting, held at Charlottetown on the eighteenth day of January, one thousand eight hundred and forty-nine, or to any copy or duplicate thereof, shall pay the several sums by them respectively subscribed, unto the Secretary and Treasurer of the said Royal Agricultural Society, on the first Monday in July in each year, for the said term of three years from thence next ensuing, during which they have, by signing or authorizing their names to be signed to such subscription list or copy or duplicate thereof, agreed and become liable to pay the same, the first payment thereof to become due and payable on the first Monday in July next after the passing of this Act.

Time when subscriptions become payable.

XIII. And be it enacted, That if it should so happen, that from any cause the aggregate amount of stock, moneys, and effects, belonging to the said Royal Agricultural Society, shall be reduced to a sum not exceeding two hundred pounds, the said society shall then, and in that case, be dissolved, and the whole amount, or value of such stock, moneys and effects, shall be paid into the public treasury of this Island, to and for the use of her Majesty's Government, and the powers and authorities granted and conferred by this Act shall, thereupon, cease and determine, any thing in this Act contained to the contrary notwithstanding.

Royal Society to be dissolved when stock, &c. shall not exceed £200.

XIV. And be it enacted, That a principle of the constitution of the said Royal Agricultural Society, and of all branch societies to be formed and organized by it or in any way connected with it, shall be the total exclusion of all questions at its meetings or in its proceedings, or at the meetings or in the proceedings of such branch societies, of a political tendency, or having reference to measures pending, or to be brought forward in the Legislature of this Island, which no resolution, by-law, or other enactment of the said body politic or corporate shall, on any account or pretence whatsoever, be at any time allowed to infringe.

Principle of Royal Society and branch societies.

XV. And be it enacted, That there shall be granted to his Excellency the Lieutenant Governor, or other Administrator of the Government for the time being, annually, for and during the next three years, a sum not exceeding five hundred pounds, in aid of the funds, and for promoting the objects of the said society, such sum of five hundred pounds, or so much thereof as may be necessary to make up a sum equal to the

Grants £500 annually to Lt. Governor for purposes of society, or sum equal in amount to subscriptions.

amount subscribed and paid by the governors and members of the said Royal Agricultural Society, to be paid annually by warrant on the Treasurer of this Island, under the hand and seal of his Excellency the Lieutenant Governor in Council, to the said Royal Agricultural Society.

C A P. XXXII.

11 Vic. c. 9. An Act to amend the Act incorporating a mutual fire insurance company,

[Passed May 2, 1849.]

Rules, by-laws, &c., made by Mutual Fire Insurance Company under Act of 11 Vic. c. 9, not binding unless approved of by Lt. Governor in Council.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the rules, orders and by-laws, already made, or hereafter to be made, under the provisions of the Act made and passed in the eleventh year of the reign of her present Majesty, intituled "An Act to incorporate a mutual fire insurance Company," shall be submitted to the Administrator of the Government for the time being, in Council, for his approval, and such rules, orders and by-laws only as shall be so submitted and approved of by the Administrator of the Government, in Council, for the time being, shall have any force or effect, or be binding upon the members of the said company, any thing in the said recited Act to the contrary thereof notwithstanding.

Bonds given under 3d sec. of same Act, how to be enforced.

II. And be it further enacted, That all bonds or warrants of Attorney, already given, or hereafter to be given to the said company, under and by virtue of the third section of the said recited Act, shall and may be legally enforced against the person or persons executing the same, notwithstanding such person or persons is or are one of the members of the said company, any thing in the said before recited Act to the contrary thereof notwithstanding.

PRIVATE AND LOCAL ACTS.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

CAP. XV.

An Act to incorporate certain persons trustees of Princetown
royalty Church.

[Passed May 15, 1851.]

Continued and
amended by
17th Vic. c. 14
and 20 Vic. c. 9.

WHEREAS by a deed poll, or instrument in writing, bearing date the fifteenth day of May, *Anno Domini* one thousand eight hundred and ten, John Thomson and Benjamin Warren, junior, released and conveyed unto the inhabitants of Princetown and its vicinity, their heirs and assigns, a certain piece or parcel of ground, being pasture lot number one hundred and ninety, in Princetown royalty, for the purpose of building a Meeting-house on the Presbyterian foundation, as will appear on reference to the said deed poll: and whereas sundry inhabitants of Princetown and its vicinity, being of the Presbyterian profession of faith, have, since the date of the said deed poll or instrument, been in possession of the said land thereby conveyed, and have erected a building thereon as a Meeting House, on the Presbyterian foundation, and place of public worship: and whereas a petition has been presented to the Legislature, from divers inhabitants of Princetown, and its vicinity, forming the Presbyterian congregation therein, representing the inconveniences which result from the want of some efficient corporate body, wherein might be vested the said piece of land, and praying that an Act of incorporation should be passed, whereby George Beairsto, George Ramsay, Charles Macnutt, William Ewen Clark, James Montgomery, James Mackay, and Malcolm Macgougan, therein named, (who have been duly chosen and appointed trustees and mana-

Constitutes certain parties a body corporate and politic.

To be a perpetual corporation and to have a common seal.

Quorum.

No suit or action to discontinue or abate in consequence of death or absence of any member of corporation.

Vests a certain piece of land in corporation.

gers of the said Church and congregation,) and also their successors in office, might be constituted a body corporate for the purposes aforesaid, and also with power to hold such lands and real and personal estate as heretofore has been or hereafter may be granted, conveyed and purchased for the use of the said church, and to manage and transact the secular affairs of the congregation thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the said George Bearsto, George Ramsay, Charles Macnutt, William Ewen Clark, James Montgomery, James Mackay, and Malcolm Macgougan, and their successors in office, (to be elected and chosen as hereinafter mentioned), shall be, and they are hereby constituted and declared a body corporate and politic in name and in deed, by the name and style of "The Trustees of Princetown Royalty Church," and shall be a perpetual corporation, consisting of seven members, with perpetual succession, and shall have a common seal, with power to break, change and alter the same from time to time at pleasure, and shall be in law capable, in their said corporate name, of suing or being sued, pleading or being impleaded, defending or being defended, answering or being answered unto, in all Courts of law and equity, in all manner of actions, suits, complaints, causes and matters whatsoever, touching or concerning the lands, real or personal estate, debts, claims, rights, and property of them, as such trustees, and belonging to the said Princetown royalty Church, and shall also be capable of contracting and of being contracted with, relative to the funds of the said corporation, and the business and purposes for which it is hereby constituted as hereinafter mentioned.

II. And be it enacted, That five of the members of the said corporation shall form a quorum, and be sufficient for the transaction of all matters to be done or disposed of by the said corporation.

III. And be it enacted, That no suit, action, or cause, brought by or against the said corporation, shall be discontinued or abate by reason of the death, removal, or resignation of any member thereof, but shall and may be proceeded with by the remaining member or members, any law, usage, or custom to the contrary notwithstanding; and the corporation shall pay or receive the like moneys, costs and expenses, as if the actions or suits had been prosecuted by or against individuals, and shall be received for the benefit of, or be paid from the trust funds of the said Church, as the case may be.

IV. And be it enacted, That the said piece of land, conveyed unto the inhabitants of Princetown and its vicinity, their heirs and assigns, by the deed poll or instrument hereinafter mentioned, shall be and the same is hereby declared to

be vested in the said corporation, which shall stand so vested and possessed thereof for ever, to and for the uses and purposes of the said Princetown royalty church, or to be disposed of in manner as hereinafter mentioned.

V. And be it enacted, That it shall and may be lawful for the said corporation, and they are hereby empowered, in their said corporate name, to contract for and purchase, or in any lawful mode, either by devise, bequest or otherwise, to receive, acquire, or obtain, either in fee simple or for life or lives, term or terms of years, or on any other tenure for the use and benefit of the said Princetown royalty Church, any messuages, lands, tenements, and real or personal estate in this Island, and to take and receive and join in the necessary and legal conveyances, leases, assignments, or other transfers thereof respectively, to hold for and subject to the uses and purposes of the said Church, and that the same shall be and remain so vested in the said corporation for the purposes aforesaid: provided always, that it shall not be lawful for the said corporation to hold real estate for the use of the said Church, which shall exceed in value or yield more at any time than a clear net yearly income of five hundred pounds sterling.

Corporation may purchase lands, tenements, &c., and take and receive the necessary legal instruments, &c.

Limits the amount of such real estate.

VI. And be it enacted, That it shall and may be lawful for the said corporation, and they are hereby empowered (provided it shall meet with the approval of any public meeting of the congregation of the said Church, to be convened as hereinafter mentioned,) to grant, sell, exchange, mortgage, lease, convey, or dispose of, as well all or any part of the real estate, hereditaments and premises now held or hereafter to be conveyed to, and held by the said corporation, as also all or any of the personal estate and property of the said Church, to be vested in them as aforesaid, to such person or persons, and for such prices, rents or terms, and for such times, extent and proportion as the said corporation shall think fit or agree upon; and every deed, mortgage, lease or conveyance thereof, executed by the said corporation under their said corporate seal, shall be valid and sufficient in law to convey to the grantees, mortgagees, lessees, or purchasers, respectively, in perpetuity or otherwise, according to the nature of the estate intended to be conveyed, all such estate and interest therein as the said corporation, or the said Princetown royalty church now have, or are entitled unto, or shall have or be entitled unto, in, or out of the same, or as they can lawfully, by such deed, mortgage, lease, or conveyance, respectively, vest in the grantee, mortgagee, or lessee therein named.

Corporation may (with consent of congregation) sell or exchange real estate, &c.

Deeds, &c. thereof, executed by corporation, valid and sufficient in law.

VII. And be it enacted, That the members of the said corporation shall retain, or be paid and allowed out of the trust funds, all reasonable costs, charges and expenses incurred in or about the trusts as aforesaid.

Reasonable costs and charges to be paid out of the trust funds.

Vacancies occurring in corporation, how to be supplied.

VIII. And be it enacted, That when any vacancy or vacancies shall happen in the said corporation, by the death, resignation, or removal from the Island of any of the members thereof, or otherwise, then, and in such case, the vacancy or vacancies so occurring shall be supplied by such person or persons as shall be elected to fill the same by a majority of the votes of the members of the congregation of the said Church present, either by themselves or by some person or persons duly authorized, in writing, to act for them at any annual or other public meeting of the congregation, to be held as hereinafter mentioned.

Register to be kept, in which all proceedings and transactions of corporation shall be entered.

IX. And be it enacted, That there shall be opened and kept by the said corporation a register or book, in which shall be entered, from time to time, the proceedings for electing persons to supply any vacancies occurring therein as aforesaid, as well as all the proceedings and transactions of the said corporation, which register shall be open to the inspection of every member of the congregation not in arrear of assessment, at all reasonable times: and that, on every election to such vacancies, the same shall be declared by an instrument to be forthwith made and executed under the hands of the member of the said congregation who shall preside at the meeting, and of three of the members present thereat, which said instrument, declaratory of such election shall, at the diligence of the person elected at such meeting, be caused to be registered in the proper office for the registration of deeds in this Island, within twelve calendar months after the day of such election; and which registration the proper officer is hereby required to make, at the request of the bearer of such instrument, on receiving payment of the usual fees and charges; and in default of the registration of said instrument within the time aforesaid, the said election shall be absolutely null and void, and the said congregation shall proceed, *de novo*, to another election, and in the same manner, as if no such election had taken place.

Registration to be made on payment of the usual fees.

Corporation may make by-laws, &c.

X. And be it enacted, That it shall and may be lawful to and for the said corporation, or board of trustees, to make, repeal, alter, and put in execution, such by-laws, rules and regulations concerning the good government of the said Church, and the preservation of the property thereof, and the mode and manner by which persons who may conceive themselves aggrieved by rates, levies, or assessments hereinafter mentioned, or otherwise, may have redress or appeal against such rates, levies, or assessments, as to them shall seem expedient: provided always, that no such by-laws, rules, or regulations shall be contrary to the laws and constitution of this Island, or to the provisions of this Act, nor shall have any force or effect, until the same shall have been submitted to and approved of by a public meeting of the said congregation, to be convened and held in manner as hereinafter mentioned.

Such by-laws not to contravene constitution of this Island, &c.

XI. And be it further enacted, That all deeds of gift and conveyance of real estate, which shall be made to the said corporation shall be enregistered within twelve calendar months after the execution thereof, respectively, in the proper office for the registration of deeds in this Island, which registration the proper officer is hereby required to make at the request of the bearer of such deeds, respectively, and for which he shall be entitled to demand and receive the usual fees; and in default of registration of any such deed or deeds as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made and executed.

All deeds of gift, &c. made to corporation, to be registered in the office of registrar of deeds.

XII. And be it enacted, That from and after the passing of this Act, it shall and may be lawful to and for the persons composing the congregation of the said Princetown royalty Church, to meet annually, on the first Monday in October, in each year, at such time as the minister for the time being of the said Church shall appoint, (notice having been given from the pulpit at least at three successive Sundays next previous to the said day of meeting, and a similar notice, in writing, having been posted on the door of the said Church, at least three successive weeks prior thereto,) and then and there to proceed to the election of six fit and proper persons, being members of the said congregation, to act as assessors, whose term of office shall be one year only; and also of three fit and proper persons to act as head assessors, who shall be elected once in every three years, and shall continue in office for that period: and the said meeting shall also have power to make and order such rates, levies, and assessments, to and for the necessary purposes of the said Church, and to direct such alterations, repairs and improvements to be made therein, and also to make such order or orders respecting the disposition of the property, real and personal, of and belonging to the said Church, which shall, from time to time, be vested in the said corporation (and which order or orders it shall be the duty of the said corporation to carry out and execute) as to the majority of the members of the said congregation present at any meeting convened and holden as aforesaid, either by themselves or by any person or persons duly authorized, in writing, to act for them, shall seem proper and expedient: and it shall also be lawful for the said meeting to fix the rate of annual salary to be paid to the clerk of the congregation and other officers of the said Church, and to elect proper persons to fill such offices in case any vacancy or vacancies therein shall have occurred.

Congregation of Church to meet annually.

Six members of congregation to be chosen assessors, to act for one year, &c.

Meeting shall also fix amount of salary of the clerk, &c.

XIII. And whereas it is necessary to make provision for the calling of special general meetings of the said congregation, when occasion requires: Be it therefore enacted, that it

How special general meetings are to be called.

shall and may be lawful for the said three head assessors, or any two of them, from time to time, as they may see fit, or upon an application for that purpose, in writing, under the hand of at least five members of the said congregation being presented to them, to call a public meeting of the said congregation, by causing notice thereof to be given from the pulpit, or to be posted on the door of the said Church at least three successive Sundays previous to the day of such intended meeting, in which notice shall be stated the purposes for which the meeting is called; and the said meeting, when so called and assembled, shall have the same powers with respect to all matters connected with the management and property of the said Church, or otherwise, as are hereby given to the general annual meeting of the said congregation, to be held as aforesaid, on the first Monday in October.

Such meetings to have same powers as general annual meetings.

Duty of assessors.

XIV. And be it enacted, That it shall be the duty of the said six assessors so to be appointed as aforesaid, or of the majority of them, immediately after the holding of any such meeting as aforesaid, to assess and fix, in just and equal proportions, as near as may be, what rate or amount shall be paid by each of the members of the congregation of the said church towards defraying the salaries of the minister, clerk of the congregation, and other officers thereof, and the rates and levies made or ordered as aforesaid, for repairs, alterations and improvements, and to collect and receive the amounts, when so fixed and assessed, from the several members of the congregation; and if any member of the congregation, on demand made in writing, under the hand of any one or more of the said assessors, neglect or refuse to pay the amount assessed against him as aforesaid, then and in such case, it shall be lawful for the said assessors, or the majority of them, in their individual names, as such assessors, or in the names of the majority of them, within thirty days of the time of making such demand, in case the same shall then still remain unpaid, to sue for and recover the same in any Court of law or equity, or Court of competent jurisdiction, or before any Justice of the Peace in this Island; and it shall be the further duty of the said assessors, upon receipt or recovery of the amounts so assessed as aforesaid, to pay the same over unto the said corporation or board of trustees, who shall apply the same to the several uses and purposes for which they shall have been ordered to be raised.

Duty of assessors in case of refusal to pay assessment.

Further duty of assessors.

General meeting may alter present mode of assessing

XV. And whereas it is deemed necessary to give power to alter the present mode of assessing the members of the congregation of the said church, if occasion require, and they shall think fit: Be it therefore enacted, that it shall be lawful for the members of the said congregation, at any such meeting as aforesaid, if they shall think proper, after having directed any

rates or levies to be made for any of the purposes aforesaid. to order that, instead of each individual member of the said congregation being assessed towards the payment thereof, that each pewowner or pewholder only shall be assessed in respect of his pew, and in such case it shall be the duty of the said assessors to assess what amount or proportion shall be paid by each pewowner or pewholder in the said church, towards the rates and levies aforesaid; and the said assessors shall have the same powers and duties with respect to collecting, recovering and paying over the amount so assessed against the pewowners and pewholders as are hereinbefore conferred and enjoined upon them, in collecting, recovering and paying over the amounts assessed against individual members.

members of congregation, and, instead thereof, may assess pewowners or pewholders only.

Powers, &c., of assessors, with respect to such assessments.

XVI. And be it enacted, That it shall be the duty of the said head assessors to overlook the proceedings of the said assessors, to see that they fairly and regularly assess and collect all sums ordered to be levied, and that they duly pay over the same to the said corporation, or board of trustees, for the purposes aforesaid.

Duty of the head assessors.

XVII. And be it enacted, That when any of the said assessors or head assessors, elected as aforesaid, shall die, resign, or be removed, then and in such case, the vacancies so occurring shall be supplied by such person or persons as shall be elected to fill the same respectively, by a majority of the votes of the members of the congregation of the said church present, either by themselves or by some person or persons duly authorized in writing to act for them at any annual or other meeting of the said congregation, to be held as aforesaid.

In case of death &c., vacancies how to be supplied.

XVIII. And be it enacted, That there shall be kept by the said assessors, a register or book in which shall be entered and recorded, from time to time, the proceedings for electing the assessors and head assessors, and all other officers of the said church, and for supplying such vacancies as aforesaid, as well as all the proceedings and transactions of the said assessors, and of the various congregational meetings of the said church, to be held as aforesaid, and also all receipts, payments and expenditure, rates, levies, assessments and orders made or ordered, as hereinbefore mentioned; and said book or register shall be open to the inspection of any member of the congregation, not in arrear of assessment, at all reasonable times: and on every election of assessors or head assessors, or of persons to fill vacancies occurring among them as aforesaid, the same shall be verified and declared by a minute or entry thereof, to be forthwith made in the said book or register, under the hands of the member of the said congregation presiding at the meeting, and of three other members present

Assessors to keep a register.

Election of assessors, how to be verified.

thereat; which minute, or entry, so signed, shall be evidence of such appointment and election.

All male members of congregation, above 21 years of age, entitled to vote at general meetings, &c.

XIX. And be it enacted, That all male members of the congregation of the said church, above the age of twenty-one years shall be entitled to vote at any meeting of the congregation, and shall also be liable to be rated and assessed as aforesaid, under and by virtue of this Act; but no female shall be allowed to vote on any occasion whatsoever, unless she be the owner of a pew.

Deed or instrument to this Act annexed to remain in full force and effect.

XX. And be it enacted, That nothing in this Act contained shall affect or annul a certain deed or instrument in writing under seal, dated the fifteenth day of November, one thousand eight hundred and twenty-four, whereby certain persons who executed the same, being owners of pews in the said church, among other things engaged to contribute towards keeping the said church in repair, in manner and at the times as in the said instrument (a copy of which is set out in the schedule to this Act) is mentioned, but the same shall still remain, continue, and be in full force and effect for all the purposes thereof; any thing in this Act contained, to the contrary thereof, notwithstanding.

Not to affect the rights of Her Majesty, &c.

XXI. And be it enacted, That nothing in this Act contained shall affect or be construed to affect, in any manner or way, the rights of her Majesty, her heirs or successors, or of any person or persons, or of any body corporate or politic, such only excepted as are herein mentioned.

Act to be deemed a public Act, and taken notice of as such.

XXII. And be it enacted, That this Act shall be a public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, Commissioners of small debts, and ministers of justice, and other persons whomsoever, without being specially pleaded.

Continuance of Act.

XXIII. And be it enacted, That this Act shall continue and be in force for the space of three years from the passing hereof, and no longer.

* * * So much of this Act as authorizes recovery at law of assessment imposed towards defraying salaries of minister, clerk, &c., repealed by 20th Vic. c. 9.

SCHEDULE.

Deed or instrument referred to in the twentieth section of this Act.

Whereas a certain instrument in writing was executed, bearing date at Princetown, the thirteenth day of September, one thousand eight hundred and thirteen, purporting to be a

bond for the sum set opposite to each subscriber's name, to be paid to the committee or trustees therein named, for the purpose of finishing a certain building then erected in Princetown, for the worship of Almighty God, upon the foundation of the Presbyterian Church government, and authorizing and empowering the said committee or trustees to enforce payment of the same, and to levy and collect such further sum or sums of money as they should deem necessary for that purpose: and whereas the said building has now become in a state of disrepair, and being desirous to preserve the same, and the said committee or trustees having resigned, it becomes necessary to appoint others: now know all men by these presents, that we, the present proprietors of pews in the said building, have nominated, constituted and appointed Thomas McNutt, William Clark, and George Thompson, of Darnley, and George Beairsto and Dugald Stewart, of Princetown, aforesaid, a committee or trustees to supersede the committee or trustees aforesaid, with full power and authority to receive all such sum and sums of money as may be due and owing to the said building from the said committee or trustees; and upon receipt thereof, receipts and other sufficient discharges for the same to give, and the money so received to lay out and expend in repairing the said building, and further to levy and exact upon and from each and every pew equally, such further sum or sums of money from time to time, as they or any three of them may deem necessary to keep the said building in a state of good repair, which sum or sums of money we do hereby bind ourselves, severally and respectively, and our several and respective heirs, executors, administrators and assigns, to pay in merchantable wheat, oats and sheep, at the current price, within thirty days after being notified of the same; and in case a failure should be made in the payment of the said sum or sums of money, or any part thereof, we do hereby agree that it shall and may be lawful for the said committee or trustees, or any three of them, to set up and sell the pew, or part of the pew, so in arrear, at public auction, and the purchaser thereof to put in immediate possession, with a good and sufficient title to the same, which title shall be considered good and valid against the former proprietor or proprietors, and out of the proceeds of such sale to pay the sum so due, together with the expenses so due and attending the same, and the overplus, if any, to pay to the former proprietor or proprietors: and further, to let or sell, to the best advantage, any vacant pews, from time to time, and at all times, for the benefit of the said building: and lastly, it is hereby further agreed and declared, by and between the said parties thereto, that in case of the death of either of them, the said Thomas Macnutt, William Clark, George Thomson, George Beairsto, or Dugald Stewart, or that the whole or any

one of the said committee or trustees shall refuse or decline to act, or that the majority of the pewholders should be dissatisfied with the conduct or management of the said committee, or of any one of them, then and in every such case it shall and may be lawful to and for the major part of the pewholders who shall be present at a meeting to be held pursuant to a notice to be given for that purpose, to nominate and choose such other person or persons as they shall think fit, to be a committee or trustees in the place or stead of such committee or trustees, or of such party so removed by death or otherwise, as aforesaid: and every such person or persons, so to be chosen as aforesaid, shall have the like power, authority and control, as either of them, the said committee hereinbefore named, have, can, or may have, by virtue of these presents, and shall and may act, in every respect, to all intents and purposes, as the said person or persons in whose place or stead he or they shall be so nominated or appointed, might have done, if he or they were or was living, or had not refused or declined to act, or had not been removed as aforesaid. In witness whereof, we have hereunto set our hands and seals this fifteenth day of November, in the year of our Lord one thousand eight hundred and twenty-four.

Signed, sealed and delivered }
in the presence of }

ROBERT WOODSIDE,
JAMES MOUNTAIN.

(Signed)

William Donalds,
James Brandon,
Edward M'Kay,
John Thomson,
his
John Sinclair, X
mark.
Benj. Thomson,
William Donald,
Executors for James
Woodside, deceased.
Andrew Woodside,
Dugald Stewart, sen.
Alex. Mathews,
William Rielly,
Joseph Murchland,
James Allen,
James Sinclair,
Hugh Mathews,
Benj. Beairsto,
John Thomson,

(Signed)

Daniel Watt,
his
John X Power, sen.
mark.
his
Daniel X Taylor,
mark.
his
James M'Neill, X
mark.
his
George Ramsay, X
mark.
John Ramsay,
Robert Stewart,
Charles M'Nutt,
John M'Gougan, jun.
his
George Ellison, X
mark.
William Beairsto,
George Beairsto,
Malcolm M'Kendrick,

(Signed)

William Clark,
 Charles Stewart,
 Geo. Thomson,
 Daniel Montgomery,
 James Woodside,
 Thomas M'Nutt,
 Donald Ramsay,
 George Owen,
 Matthew Stewart,
 John Coughlan,
 Francis Clark,
 Archd. Woodside,
 his
 William x Coughlan,
 mark.
 Dugald Ramsay,
 his
 John Mathews, x
 mark.
 his
 Dugald Stewart, jr. x
 mark.
 John Taylor,
 Donald M'Gougan,
 John M'Kay, jun.
 Neal Ramsay,

(Signed)

Lauchlin M'Kendrick,
 Edward Ramsay, jr.
 Matthew Stewart,
 James Stewart, jun.
 Dugald Stewart,
 Malcolm Ramsay,
 his
 Edward Mountain, x
 mark.
 William Stewart,
 Thomas Pickering,
 Thomas Coughlan,
 Hugh Craig,
 Jno. Craig,
 Thomas Hunter,
 Alexr. Anderson,
 James Townsend,
 per Geo. Beairsto. }
 P. Stewart, per }
 Thos. M'Nutt. }
 Malcolm M'Gougan,
 John Crozier,
 his
 Saml. Wilson, x
 mark.

Witness to the signatures of Hugh Craig, John Craig, and
 Thomas Hunter,

(Signed) P. S. MACNUTT.

Witness to the signature of Alexander Anderson,
 (Signed) JOHN KEIR.

Witnesses to the following signatures, viz:—P. Stewart, by
 his agent, Thomas M'Nutt, James Townsend, by his agent,
 Geo. Beairsto, and Malcolm M'Gougan, for himself,
 (Signed) P. S. MACNUTT.

CAP. XXVIII.

An Act relative to accidents by fire, and for the improvement
 of property in Georgetown, and for the removal of nuisances
 from the streets and square thereof.

[Passed May 15, 1851.]

Continued by
24th Vic. c. 25.

WHEREAS it is deemed necessary, preparatory to the
 reprinting of the Statute Book, to repeal the Acts now
 in force, on the above subject, and to make other provisions in
 lieu thereof: Be it therefore enacted, by the Lieutenant Go-
 vernor, Council and Assembly, that an Act made and passed.

Repeals 9 Vic. c. 28, and also so much of 13 Vic. c. 1. as relates to and continues above recited Act.

in the ninth year of the reign of her present Majesty Queen Victoria, intituled "An Act relative to accidents by fire, and for the improvement of property in Georgetown, and for the removal of nuisances from the streets and square thereof," and also so much of an Act passed in the thirteenth year of the reign of her present Majesty, intituled "An Act to continue several Acts therein mentioned," as relates to and continues the above recited Act, shall be, and the same are hereby respectively repealed, save and except and in so far as the same is declared to be in force for the purposes hereinafter mentioned.

Senior Justice of the Peace to convene, annually, a meeting of the inhabitants.

II. And be it enacted, That it shall be the duty of the senior of her Majesty's Justices of the Peace, resident for the time being in Georgetown, aforesaid, and such Justice is hereby required, yearly and every year during the continuance of this Act, to convene a public meeting of the inhabitants of the said town for the purposes of this Act; the first meeting to be holden at the Court House on the first Wednesday in May next after the passing thereof, at the hour of 12 o'clock, noon, and so on, every first Wednesday in May, in every year, during the continuance of this Act, such meetings to be convened by such Justice giving, or causing to be given, at least eight days' notice thereof in writing, the same to be published by being posted in three or more public places in the said town.

Defines qualifications of inhabitants for the purposes of this Act.

III. And be it enacted, That any person who shall be the owner of any real estate situate in the said town, being not less than one-half part of either town or water lot, and every person who shall have resided in the said town for a period not less than six calendar months, and shall have occupied, during such time, a house or tenement and premises, or two or more houses or tenements and premises in succession, or shall, during such time, have been a keeper of any store, each being of the yearly rent of seven pounds, shall be deemed to be an inhabitant of the said town for the purposes in this Act mentioned.

Inhabitants to elect assessors and firewardens.

IV. And be it enacted, That it shall and may be lawful for such inhabitants to assemble at all such meetings, at the time and place aforesaid, and then and there, by a majority of such inhabitants, annually to elect for the then ensuing year, seven fit and proper persons, five of whom shall be a quorum, to act as assessors of lots, and also five fit and proper persons, three of whom shall be a quorum, to act as firewardens for the said town.

Vacancies, how to be filled.

V. And be it enacted, That in case of the death or removal from the said town of any assessor or fire warden so to be elected, or of their becoming incapable of acting, that then,

and so often as it shall so happen, it shall be lawful for such senior magistrate as aforesaid, upon a requisition in writing, to be signed by any number, being not less than five, of the inhabitants, to convene a public meeting at the place and in manner hereinbefore prescribed, to meet at such particular hour and time of the year as may be deemed convenient, for the election of a fit and proper person to fill such vacancy.

VI. And be it enacted, That such assessors and firewardens shall be persons residing in Georgetown, and who shall have been resident therein for at least twelve calendar months previous to the time of their election; and in the event of there being no election, either of such assessors or firewardens at any such meeting or time of meeting, after notice of the same shall have been duly given, or in case such senior magistrate shall neglect or make default in publishing, or causing to be published such notice, and also, in the event of such assessors neglecting to conform to and fulfil any of the provisions of this Act, whereby they may become disqualified to perform the duties as directed by this Act, that then and in every such case, it shall and may be lawful for the Lieutenant Governor in Council, to appoint fit and proper persons, being residents as aforesaid, assessors and firewardens, who shall continue in office until others are elected at any such annual meeting aforesaid, and to renew any such appointment as often as the same shall become vacant from any such cause as aforesaid, and as often as no person shall have been duly elected to fill such vacancy.

Qualifications
of assessors and
fire wardens.

Lt. Governor,
&c., in certain
cases, may ap-
point assessors
and firewar-
dens, and renew
such appoint-
ments when ne-
cessary.

VII. And be it enacted, That the said assessors, at their first and subsequent annual meetings, respectively—the same to be held within ten days after their appointment—shall be and they are hereby empowered to assess the lots, and parts of lots in the said town, so that the sums so assessed shall not, in any one year, exceed the sum of six shillings and eight pence on such unimproved town lot, and three shillings and four pence on each improved town lot, and ratably in proportion for parts less than a whole lot, which assessment shall be paid within forty days after due notice thereof published in the *Royal Gazette* newspaper, and continued therein for five successive weeks.

Assessors, at
annual meet-
ings, to assess
lots and parts
of lots.

VIII. And be it enacted, That the said assessors shall, at their first and subsequent annual meetings, appoint a treasurer of the fund contemplated to be raised in pursuance of this Act, and likewise a collector, who shall also act as clerk, and keep a journal of the assessors' proceedings; which collector shall, within ten days after such his appointment, cause notice thereof and of the sum assessed upon improved and unimproved lots, to be given as aforesaid.

Assessors to ap-
point treasurer
and collector.

What lots shall be deemed improved.

IX. And be it enacted, That no town lot shall be deemed to be improved unless the same shall be cleared and fenced or otherwise sufficiently enclosed, with or without buildings thereon, or unless such lot shall have a dwelling house, store or workshop, actually used as such, erected thereon.

Collector to account to treasurer.

X. And be it enacted, That within two days next after the expiration of the said forty days' notice hereinbefore directed to be given, the said collector shall furnish the treasurer aforesaid with an account of all moneys paid to him for such assessment, and pay over to the treasurer the amount received by him, which treasurer shall, thereupon, or within two days next after the receipt of such account and moneys, call a meeting of the assessors, who being met, shall examine and audit the said account; and should it be found, on the examination thereof, that there is or are any lot or lots on which the assessment has not been paid, the said assessors are hereby authorized and required to issue to the said collector a precept or precepts, in the form marked (A), in the schedule to this Act annexed, against such lot or lots so found in arrear, commanding him to enter upon and take the goods and chattels to be found on the lot or lots so assessed; and of the same to make public sale to pay the said assessment and costs; and the said collector having seized the said goods or chattels shall thereupon advertise the same in writing, in three public places of the said town, and at the end of six days thereafter, shall sell the same, or as much thereof as will satisfy the assessment and costs; and if no goods or chattels can be found on the said lot or lots in arrear, as aforesaid, then and in that case the said collector is hereby authorized and directed to make public sale of such lot or lots so found to be in arrear as aforesaid, after giving three months' notice thereof in the *Royal Gazette* newspaper; and out of such sale to pay into the hands of the treasurer aforesaid, within ten days thereafter, the amount of such assessment; and if any amount remains in the hands of the collector, after paying the sum so assessed, together with the expenses incurred in selling the same, after the rate prescribed and fixed in the schedule marked (B), to this Act annexed, any such balance shall be paid to the owner or owners of the lot or lots so assessed and sold; and the said collector is hereby authorized and directed to make and execute a deed to the purchaser or purchasers, at his, her, or their expense, of such lot or lots; which deed, when so executed and registered, together with the precept authorizing the sale of such lot or lots, shall be held a good and sufficient title against the former holder or holders thereof, subject only to the conditions of the original grant: provided always, that in case the owner or owners of such lands and premises shall not claim any such surplus moneys as may arise on any such sale as aforesaid, then the same shall be paid to and remain in the

Lots in arrear, how dealt with.

Goods and chattels to be sold.

When no goods or chattels can be found, lots to be sold.

Proceeds of sale how disposed of

Collector to execute a deed to purchaser.

Surplus moneys how disposed of.

hands of the public Treasurer of this Island, to and for the use of the former owner or owners.

XI. Provided nevertheless, and be it enacted, That in case any lot or lots held by license of occupation, be sold under the operation of this Act, the money arising therefrom, after deducting the assessment and costs, shall be paid to the Treasurer of this Island, to and for the use of Her Majesty, her heirs, and successors; any thing in this Act to the contrary notwithstanding.

Proceeds of lots held under license of occupation, how disposed of.

XII. Provided always, and be it enacted, That in case any lot or lots shall be sold under the operation of this Act, an equity of redemption shall nevertheless be open to the former owner or proprietor, his heirs and assigns, for the space of two years next after the sale of such lot or lots, he or they paying the purchase money and lawful interest, together with the value of the improvements made thereon; the same to be ascertained by the judgment of the assessors for the time being, or the major part of them, not being parties interested:

Equity of redemption.

XIII. And be it enacted, That the treasurer, and collector of the fund contemplated to be raised in pursuance of this Act, shall give good and sufficient security to the assessors of the said town in a sum not less than fifty pounds, for the due performance of their respective duties, which said security or bonds shall be lodged in the Colonial Secretary's office by the chairman of the assessors, within ten days after the treasurer's and collector's appointments, respectively, under a penalty of five pounds—to be recovered by the senior Justice of the Peace for the town—and the said assessors may allow the said treasurer and collector such poundage as they shall see fit; provided the same shall not exceed the sum of twelve *per centum*, apportioned between the two said officers; and the assessors shall, at their discretion, displace either or both such officers, and appoint others in their place.

Treasurer and collector to give security to assessors.

Allowance to treasurer and collector.

XIV. And be it enacted, That if the collector so appointed shall neglect to perform the duties enjoined by this Act, or shall not account and hand over the said moneys so received by him, within the time hereinbefore directed, he shall forfeit and pay a sum not exceeding five pounds; and such collector shall also pay over all such sum or sums of money he may have received from time to time for fines and forfeitures under and by virtue of this Act, within five days after the receipt of the same, respectively, under a penalty of two pounds; the said fines to be sued for and recovered by the chairman of the assessors, and such suit to be commenced within ten days after the collector making default as aforesaid.

Penalty on collector for neglect of duty.

Penalty, how recoverable.

XV. And be it enacted, That if any of the said assessors

Penalty on assessors or firewardens refusing to serve.

or firewardens shall refuse to serve in their respective offices, as enjoined by this Act, each and every such person so refusing shall forfeit and pay a fine not exceeding two pounds, to be sued for and recovered by the senior Justice of the Peace for the town; and such collector, treasurer and assessor shall, and they are hereby required, within thirty days after such their annual meeting, to transmit to the Colonial Secretary's office, a just and true account of the receipts and disbursements of all moneys received and paid under and by virtue of this Act.

Duty of treasurer and collector at annual election of assessors.

XVI. And be it enacted, That at every annual election as aforesaid of assessors or firewardens for the said town, it shall be the duty of the treasurer and collector for the past year, and they are hereby required severally to exhibit at such meeting, and their deliver up to their successors in office their several books of accounts, to be by them kept in respect of their said offices, and at the same time to pay over respectively to their said successors in office, the balance of moneys in their hands, or with which they shall be respectively chargeable; and in case either or both of said officers shall refuse to exhibit and deliver up at any meeting, or shall refuse to pay over such balances as aforesaid, he or they shall be respectively liable to a fine of twenty pounds, to be recovered, with costs, in manner by this Act prescribed, by the senior Justice of the Peace for the town for the time being.

Duty of treasurer and collector appointed under 9 Vic. c. 28.

XVII. And be it enacted, That the said assessors, or the major part of them, are hereby empowered and required to cause the treasurer and collector appointed under and by virtue of an Act passed in the ninth year of her present Majesty's reign, intituled "An Act relative to accidents by fire, and for the improvement of property in Georgetown, and for the removal of nuisances from the streets and square thereof," to render a copy of their last annual accounts respectively, to the Colonial Secretary's office, within fourteen days after demand, and shall also furnish a like copy to the assessors appointed under this Act, and pay over to them any balance that may remain in their or either of their hands; and in case either or both of said persons shall refuse to render copies of such accounts as aforesaid and pay over any balances in their hands, he or they shall be respectively liable to a fine not exceeding twenty pounds, besides cost.

Moneys raised under this Act, how applied.

XVIII. And be it enacted, That all sums raised under and by virtue of this Act, after deducting necessary charges, shall be applied by the said assessors for the purposes of clearing and draining the site of the said town, erecting pumps, and procuring such engines or implements as may be deemed necessary to prevent accidents by fire, and in necessary repairs

on the streets; and in all contracts made for the purpose of sinking wells under the authority of persons authorized by this Act to make such contracts, the works shall not be commenced before the first day of August, nor continue after the first day of November, in each year.

XIX. And be it enacted, That whatever engines or other implements of any kind which may be purchased by the said assessors with the moneys arising from the said assessment, shall be placed in charge of the collector of the assessment for the time being, and be at all times available by the inhabitants for the purposes contemplated by this Act.

Engines, &c. to be placed in charge of collector, and to be available at all times.

XX. And be it enacted, That the tenant or occupant of every house in the said town, of the yearly value of seven pounds and upwards, shall provide and keep one leather bucket, capable of containing not less than two gallons, on which the owner's name shall be painted, which bucket shall be kept hung up in the passage or hall of such house, under the penalty of five shillings for each and every time the said bucket shall not be so found hung up in its proper place as aforesaid, by the firewardens, when they shall visit the said house; and the said tenant or occupant, within three months after the passing of this Act, shall provide a ladder or ladders, corresponding to the height of the house or houses he or they may occupy, sufficient to enable water to be carried to any part of the same, in the event of fire; which ladder or ladders shall be paid for by the proprietor, and kept in repair and fit for use at his expense, under a penalty of five shillings.

Leather bucket to be kept by householders.

Occupant to provide ladders

XXI. And be it enacted, That three at least of the said firewardens, being the first, second and third, in the order of their appointment, shall, once in every six months, visit each house within the said town, and inspect the buckets and ladders required by this Act, under a penalty of five shillings upon each and every such firewarden, for each and every house he and they, respectively, shall neglect to visit; and it shall and may be further lawful for the said firewardens appointed by virtue of this Act, or either or any of them, who shall think fit to visit any house or houses in the said town, once a month, to inspect the water buckets and ladders required by this Act; which several aforesaid visits shall be made between the hours of eleven o'clock in the forenoon and four in the afternoon; and any housekeeper refusing to produce such ladder or bucket, shall, for every such refusal, incur a penalty of five shillings.

Duties of fire wardens.

Fire wardens may visit houses once a month.

XXII. And be it enacted, That every chimney which shall or may be used in the town of Georgetown shall be regularly swept once between the first day of May and the thirty-first day of October, and twice between the thirty-first day of Oc-

Chimneys, when to be swept.

tober and the thirtieth day of April in each and every year, under a penalty of two pounds, to be incurred by the party delinquent, for each and every offence.

Housekeeper suffering hay, straw, &c., to be kept in his house, how dealt with.

XXIII. And be it enacted, That if any housekeeper in the said town shall collect or keep, or permit to be kept, any hay, straw or flax in any part of a dwelling house, or shall collect or keep ashes on a wooden floor, or in a wooden vessel in the said house, or any outhouse attached thereto, such housekeeper shall pay ten shillings for every such offence, and likewise forfeit the hay, straw, or flax found in such dwelling house, excepting always such hay or straw as may be in use for bedding.

Mode of placing stovepipes and close stoves.

XXIV. And be it enacted, That no stovepipe, within Georgetown aforesaid, shall be passed through any partition of wood, or of wood and lime, or through any wooden floor or roof, unless there shall have been left five inches clear between the pipe and partition, or floor or roof; and which pipe shall be surrounded with stone or brick, or a sheet of iron, tin or copper, which shall be nailed to every such partition, roof, or floor; and close stoves shall be fixed and set up in such manner as that in all cases there shall be at least eighteen inches in every direction (except the bottom) from any wainscot, laths, or wooden partition through or alongside of which the same may be placed, or if at a less distance, then the wall or partition shall be well and securely protected by sheet iron, to the satisfaction of the firewardens, and any person offending in the premises shall incur a penalty of twenty shillings; and the several persons to be elected firewardens in pursuance of this Act are hereby required to pay due attention to this clause, at the time of the several inspections or visitations hereinbefore mentioned.

Duty of fire wardens herein.

XXV. And be it enacted, That on the breaking out of any fire, all the inhabitants of the said town shall be bound to give their assistance to the said firewardens, who are hereby jointly and severally empowered to require the assistance of the said inhabitants, for the purpose of securing or removing any property that it may be thought necessary or practicable to save, and for extinguishing and putting out any such fire, and also to require the assistance of the said inhabitants, or any service calculated to stop or prevent the further spreading of the fire; and any person or persons refusing, or wilfully neglecting to assist, shall pay a fine of ten shillings.

Duty of inhabitants and fire wardens on the breaking out of fire.

Penalties, how appropriated.

XXVI. And be it enacted, That all fines recoverable under and by virtue of any of the foregoing sections of this Act, (except such fine as is imposed upon the treasurer,) shall be paid to the treasurer of the assessment, for the purposes hereinbefore mentioned and contemplated by this Act, and shall

be recoverable with costs, by any person who may prosecute and sue for the same, except as is hereinbefore directed in the thirteenth, fourteenth, fifteenth and sixteenth clauses of this Act, to the extent of eight pounds, before any one of her Majesty's Justices of the Peace, residing in Georgetown, and if above that sum, in her Majesty's Supreme Court of Judicature, in any of its sittings in Georgetown.

By whom recoverable.

XXVII. And be it enacted, That orders for any work, or for any engines or implements which the assessors may deem necessary to draw on the treasurer, shall be signed by at least five of the assessors, and payable by the said treasurer, if in funds, on demand, under a penalty of five pounds, to be recovered as aforesaid.

Orders on the treasurer, to be signed by five assessors.

XXVIII. Whereas the streets and square of Georgetown are frequently encumbered with nuisances of various descriptions: for remedy whereof: Be it enacted, that the Commissioner of highways for the time being, for the district comprising Georgetown, shall have power, and he is hereby authorized and directed, to nominate and appoint, within fourteen days after the passing of this Act, and from thence annually, on or before the first day of May in each and every succeeding year, during the continuance of this Act, any number of persons in his discretion necessary, not being less than two nor more than four, whose duty it shall be to oversee the state of the streets and square within the particular wards or districts to which they shall be respectively assigned by the said Commissioner, and to cause the streets and square therein to be kept free and clear of all nuisances and obstructions whatsoever.

Duty of commissioner of highways.

Nuisances and obstructions, how removed.

XXIX. And be it enacted, That any person, an inhabitant of Georgetown, or a proprietor therein, shall be obliged to keep the gutters and street before the houses, buildings, or land inhabited, occupied, or possessed by him, her, or them, clear and free from nuisances of every kind; and every person being the occupier of the house or premises nearest to which any such nuisance or obstruction shall be thrown or deposited, and who shall suffer the same to continue for the space of six hours between sunrise and sunset, shall forfeit and pay for every day he, she, or they shall suffer such nuisance so to continue, a sum not less than five shillings nor more than ten shillings; and every person who shall put or place any nuisance on any street, or the square of the said town, shall be subject to a penalty of not less than five shillings nor more than twenty shillings, together with the expense of the overseer in removing or causing the same to be removed: provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons, who

Inhabitants, &c. to keep gutters and streets, in front of their houses, &c., free from nuisances.

Penalty on persons causing nuisances.

Not to prevent persons from placing build-

ing materials on the streets, under certain conditions.

may be erecting or repairing any building whatever, from placing, or causing to be placed on the street or streets next to the site of such building, any such necessary materials as are to be used either in the construction or in the repairing of such building, so that the same do not extend further than thirty feet from the line of the street or streets, and shall be enclosed within a fence of not less than four feet in height, and that such material shall in no manner obstruct the free course of the water in the gutters of the said street or streets.

Owner of carriage left in street or square subject to a penalty for each offence.

XXX. And be it enacted, That any carriage of whatsoever description, which may be left or placed in any street or the square in the day time, without any beast of burden being attached therunto, and which shall have been suffered to remain in that situation for the space of two hours, or shall be left in any street, or the square, after sunset, the owner or owners of any such carriage shall, for each offence, forfeit and pay a sum not exceeding five shillings.

Persons breaking up portion of street, required to enclose the same, under a penalty of £2.

XXXI. And be it enacted, That all persons breaking up any portion of the streets of the said town, either under a public contract with the road Commissioner of the district, or by directions of the assessors of the town, or at their own private cost, for the purpose of opening, laying down, or making sewers or drains below the surface of the street, shall be obliged to enclose such sewer or drain, and the materials thrown up or deposited for the said work, within a fence not less than four feet in height, under a penalty not exceeding two pounds, and the costs of recovery, besides being liable to an action by any person who may sustain any injury or damage from a neglect to comply with the provisions of this clause; and any person or persons removing the earth from the square, or any of the streets of the town, (unless directed so to do by the road Commissioner of the district, or assessors of the town, for the purpose of improving or clearing the said square or streets,) shall be liable to the like amount of penalty, with costs, as before imposed by this clause.

Penalty for removing earth without authority.

Overseers exempt from statute labor.

XXXII. And be it enacted, That the overseers aforesaid shall, during their continuance in office, be exempt from performing or contributing to their yearly labor on the streets and highways, required by the statutes of this Island; and that in case any of the said overseers shall refuse to accept his appointment, or shall wilfully neglect or delay to prosecute for any of the foregoing penalties, or in any other respect to perform his duty under this Act, each and every overseer so offending shall forfeit and pay a fine of twenty shillings for every such neglect; to be recovered on the oath of any one credible witness, in manner hereinafter directed, and paid to the treasurer of the assessors of the town, to be applied towards keeping in repair the streets of the said town.

XXXIII. And be it enacted, That all penalties and forfeitures imposed by the twenty-ninth and thirtieth clauses of this Act shall be sued for, and by the overseer for the district or ward in which the penalty shall be incurred, and before any one of her Majesty's Justices of the Peace residing in Georgetown; and shall be recovered, together with costs, by distress and sale of the goods and chattels of the offender; and in default thereof, the offender shall be imprisoned for a period not exceeding one calendar month; which fines, when recovered, shall be applied, one half to the overseer who shall sue for the same, and the remainder to the assessors of the town, towards keeping in repair the streets or square, and the fire engine which may belong to the said town.

Penalties imposed under sections 29 and 30, how recovered.

Application of penalties.

XXXIV. And be it enacted, That should any party or parties conceive himself or themselves to be aggrieved by any judgment given by any Justice of the Peace, under the provisions of this Act, an appeal from such judgment, if required by such party or parties, shall be allowed and granted in manner and form prescribed under and by virtue of the Act intitled "An Act relating to the recovery of small debts, and to repeal certain Acts therein mentioned;" or the Act which, for the time being, shall be in force, relating to the recovery of small debts, on payment of the fees prescribed by said Act.

Parties aggrieved may appeal.

XXXV. And be it enacted, That this Act shall continue and be in force for the space of ten years, and from thence to the end of the then next session of the General Assembly, and no longer.

Continuance of Act.

XXXVI. And whereas at the time of passing of this Act, prosecutions, assessments, suits and proceedings may be pending, or have been commenced under or by virtue of the said Act and parts of an Act hereby repealed: Be it therefore enacted, that for the purpose of completing all such prosecutions, assessments, suits, and other proceedings, and for upholding and giving force and effect thereto, and to all proceedings necessary to give effect thereto, and to all proceedings necessary to give effect to any judgments or convictions or orders thereunder, and for such purposes only, the said recited Act and parts of an Act hereby repealed, shall be, and the same are hereby declared to be, and remain in full force and effect; any thing in this Act to the contrary thereof notwithstanding.

Prosecutions, &c., commenced under 9 Vic. c. 28, and part of 13 Vic. c. 1, may be completed under said Acts.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Form of precept to collector to sell goods and chattels, or real estate.

PRINCE EDWARD ISLAND, to wit.

To *A. B.*, the Collector appointed under the Act intituled
[here insert the title of this Act.]

Precept to sell
goods and chat-
tels, or real
estate.

Whereas we, the undersigned, assessors appointed for carrying into effect the provisions of the said Act, having assessed [here describe the property] situate in Georgetown aforesaid, pursuant to the said Act; and the said assessment, together with costs, amounts to the sum of _____ pounds, currency, and the notices required by law having been duly given, and the amount of the said assessment remaining still unpaid, these are therefore to authorize and require you, the said collector, to take such goods and chattels as may be found on the said lot, and sell the same; failing thereof, to take the said lot to satisfy the said assessment and costs, and the same to advertise, sell, and dispose of according to law; and you are to give this precept to the party purchasing, and pay the money as directed by the said Act.

Given under our hands and seals, this _____ day
of _____ one thousand eight hundred and _____ and
in the _____ year of the reign of Her Majesty Queen
Victoria.

SCHEDULE (B.)

Table of fees to be taken by the magistrates, collector and assessors, by this Act.

Magistrates',
collector's and
assessors' fees.

Precept, five shillings.

Levying the goods and chattels, two shillings and sixpence.

Levying the real estate, two shillings and sixpence.

Advertising real estate, when only one lot in arrear, twenty shillings.

For every additional lot, the sum of sixpence, together with an equal proportion of the said twenty shillings, and in like manner for every proportional part of a lot.

Selling real estate, the sum of five pounds *per centum* on the purchase money received.

For advertising goods and chattels, five shillings.

For notices of public meetings and posting, five shillings.

PRIVATE AND LOCAL ACTS.

ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XVI.

An Act to alter and amend the Act made and passed in the second year of the reign of his late Majesty, King William the Fourth, intituled "An Act to incorporate the minister and trustees of Saint James's Church in the town of Charlottetown. 2 W. 4, c. 17.
See also, 19
Vic. c. 24.

[Passed April 3, 1852.]

WHEREAS it is expedient that the said Act shall be altered and amended: Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, as follows:—

I. That the Reverend Robert MacNair, James Purdie, Henry Douglas Morpeth, Edward Langley Lydiard, James Anderson, James Watts, senior, James Watts, junior, and James David Lawson, the trustees of the said Saint James's Church, now in office, shall remain and continue in office until trustees shall have been elected in their places, save and except the said Robert MacNair, or the minister of the said Church for the time being, in manner and form hereinafter mentioned. Present trustees continued in office until successors are elected.

II. From and after the passing of this Act there shall annually be chosen by such of the congregation of the said Church as shall be duly qualified to vote therefor, that is to Trustees to be elected annually.

Persons qualified to vote for such trustees.

say ; every male person of the age of twenty-one years and upwards, who shall hold and pay for one whole pew, or who shall hold and pay for one half pew in the said church, and who shall not be in arrear of rent, or who shall have subscribed and paid for the use of the said church annually the sum of twenty shillings of current money of Prince Edward Island, and who shall not be in arrear of such subscription, seven persons, in addition to the said minister for the time being, who shall be members of the said church, and in full communion therewith, to be trustees of the said church ; which said trustees so elected shall be in lieu of the former trustees appointed under and by virtue of the said Act, and confirmed by this Act, and with the said minister for the time being, shall take, have and enjoy all the rights, privileges and authority possessed and enjoyed by their predecessors in office, and may, together with the minister of the said church, appoint their own chairman, secretary, treasurer and other officers.

Such trustees to be in lieu of trustees appointed under 2 W. 4, c. 17.

Elections of trustees, when to take place.

III. The first election of trustees under this Act shall take place on the second Monday of the month next succeeding the passing of this Act ; and all future elections shall take place on the second Monday in April, in each and every year, in all time coming ; and it shall be the duty of the trustees aforementioned, and the trustees hereafter in office, to give notice of the time of holding the same, by causing to be inserted once in the *Royal Gazette*, or other newspaper published in Charlottetown, an advertisement stating the hour and place of holding such election, and by the minister of the said church (unless in case of a vacancy), giving intimation thereof from the pulpit at such time during divine service as he may think fit ; at which said time and place, the said voters so qualified as aforesaid having met, shall choose a chairman, and shall proceed to the election of seven persons, so qualified as aforesaid, to fill the office of trustees for the ensuing year ; the chairman of the said meeting, in case of an equality, having the casting vote ; and the names of such persons so elected shall be entered in the books of the said corporation by the secretary or other person having the custody of the same, who shall attend with the said books for that purpose, and shall likewise be published in the ensuing *Royal Gazette* or other newspaper printed in Charlottetown ; all vacancies which shall thereafter occur among the said trustees by death, removal and resignation, or otherwise, shall be filled up in like manner and after the like notices, within thirty days after such vacancies shall have occurred respectively.

Meeting to choose chairman, and elect seven trustees ; chairman to have casting vote, &c.

Vacancies, how filled up.

Trustees eligible to reelection

IV. All or any of the trustees in office at the time of such annual election shall be eligible to be reelected.

V. That the seal of said corporation, and all books, papers,

deeds, minutes, vouchers, moneys, notes or obligations for money, and all other property whatsoever in their care, custody or possession, shall be forthwith handed over by the former trustees to the trustees so-elected as aforesaid.

Seal of corporation, &c., to be handed over to new trustees.

VI. That if it should so happen, that no election of trustees should take place on any second Monday in April as aforesaid, then and in such case, the said trustees then in office shall continue and remain in office for, during and until the end of the year next ensuing, unless a requisition signed by at least twenty persons of the said congregation, qualified to vote as aforesaid, shall be presented to the said trustees, calling upon them to cause a meeting to be held for the election of trustees; in which case the minister and trustees shall give the necessary notices required by this Act, and the congregation so qualified as aforesaid shall proceed to hold the said election in the way and manner hereinbefore pointed out.

No election taking place, as pointed out in the 3rd section of this Act, present trustees to continue in office for a limited period.

VII. In case of a vacancy happening by the death or removal of the minister of the said church, the time of notifying the said congregation, qualified as aforesaid, who shall alone have a right to vote, shall be made by the said trustees, instead of the Kirk session, and shall be within thirty days, instead of eight days, as is required by the fifth section of the said Act.

In case of the death or removal of the minister, trustees shall notify congregation.

VIII. And be it further enacted, That the fourth, sixth, seventh, and ninth sections of the said Act be, and the same are hereby repealed.

Repeals 4th, 6th, 7th and 9th sections of 2nd W. 4, c. 17.

CAP. XVII.

An Act to incorporate the Diocesan Church Society of Prince Edward Island.

[Passed April 3, 1852.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. The persons hereinafter named, that is to say; the Bishop of the diocese of Nova Scotia for the time being, so long as he shall hold episcopal jurisdiction over this Island; the Reverend Louis Charles Jenkins, D. C. L., the Reverend Charles Lloyd, A. B., the Reverend John Herbert Read, the Reverend William Henry Cooper, A. B., the Reverend David FitzGerald, A. B., the Reverend Henry Birchfield Swabey, A. B., the Reverend Robert T. Roach, A. B.; the Honorables Edward James Jarvis, John Myrie Holl, Charles Hensley, William Swabey, Robert Hodgson, and Thomas Heath Haviland; Bentinck Harry Cumberland, John Orlebar, Henry Haszard, Theophilus Desbrisay, William Cundall, and James Douglas Haszard, Esquires, and all such other persons as now are members of

Incorporates certain parties as the "Diocesan Church Society of Prince Edward Island."

the society called the "The Diocesan Church Society of Prince Edward Island," and their successors, shall be a body corporate, by the name of the "Diocesan Church Society of Prince Edward Island," of which corporation the Bishop of Nova Scotia for the time being, so long as he shall hold episcopal jurisdiction over this Island, shall be the President.

President.

Real estate to be held by corporation.

II. The Corporation may hold real estate not exceeding at any one time the annual value of one thousand pounds of lawful money of this Island; and the rents and profits arising from such real estate shall be applied for the uses and purposes of the church or churches, or of religious or educational institutions connected with the Church of England in this Island.

Such estate may be sold or exchanged.

III. The corporation shall have power from time to time to sell and exchange such real estate, and to purchase other real estate, not to exceed the value hereinbefore mentioned.

Who shall be deemed members.

IV. All persons, when admitted pursuant to the by-laws of the corporation, shall be members of the society.

Society, how governed.

V. The society shall be governed, and its affairs managed by a committee of not less than fifteen persons, comprising a president, vice presidents, a secretary, an assistant secretary and treasurer; the committee to be henceforth called the executive committee, and such other officers as the society may deem proper.

Certain officers to continue to act until the election of their successors.

VI. The persons who now hold the offices of vice presidents, committee, secretary, assistant secretary and treasurer, shall continue to hold such offices until their successors shall be elected under this Act.

Donations how invested.

VII. All donations to the society shall be invested or disposed of under the directions of the executive committee for the benefit of the society; and the executive committee shall be bound to account to the society for all their acts, receipts, and expenditures, and to make annual report to the society, at its general meeting, of the progress and state of the society, and of its affairs generally.

Executive committee to report to society.

General meeting, when held.

VIII. A general meeting of the society shall be held once in each year, and as much oftener as may be directed by any rule or by-law of the society; and every such general meeting shall have power to make rules and by-laws for the due government and management of the affairs of the society, and from time to time to cancel, alter, change and vary the same.

Meetings of executive committee, how regulated.

IX. The executive committee shall be summoned to meet as often as the president, or two of the vice presidents may deem it necessary, or as often as may hereafter be directed by any rule or by-law of the society.

X. Nothing in this Act contained shall extend, or be construed to extend, to require the assent of the president for the time being to any act or acts of the executive committee in their management of the affairs of the society, or in the sale or purchase of real estate.

Assent of president to acts of committee not requisite.

XI. Nothing in this Act contained shall affect, or be construed to affect, in any way or manner, the rights of Her Majesty, her heirs or successors, or of any person or persons, or of any body corporate or politic; such only excepted as are herein mentioned.

Not to affect the rights of Her Majesty, &c.

CAP. XVIII.

An Act to incorporate, in Prince Edward Island, the people called Bible Christians.

[Passed April 3, 1852.]

WHEREAS a certain body of people in this Island, called Bible Christians, now hold land, and are desirous of purchasing other lands in Prince Edward Island, to serve as sites for chapels, mission houses, and such other buildings as may be necessary thereto; and there being no provision made in the laws of the Island by which a number of persons holding trust for such purpose can have perpetual succession or a sole legal existence or representation in any Court of law or equity: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:—

I. From and after the passing of this Act, the following persons, that is to say, Francis Metherall, Richard Cotton, William Calloway, John Watson Butcher, Jacob Gale, James Richards, senior, James Kinlay, Philip Beers, Jeremiah Enman, the younger, Josiah Ayres, William Cotton, and each and every one of them, so long as they continue members of the said Church in Prince Edward Island, and all and every person or persons who, at any time or times hereafter, shall be chosen upon any vacancy in the said trust, and in the manner hereafter mentioned, to supply the same, shall be and be deemed, to all intents and purposes whatsoever, the trustees of, and for all and singular the estate, real and personal, of the said Church, or for the use and benefit thereof, now obtained or possessed by or belonging to the said Church, or any in trust therefor, or hereafter to be obtained by or conveyed to the said trustees or their successors, for the benefit and purposes thereof; and the said persons, and their successors, shall constitute and form one continuing trust or board of eleven members, to be called "The Trustees of the people called Bible Christians of Prince Edward Island," and shall be a body politic and corporate, in name and in deed, by the style

Trustees of the people called Bible Christians.

Such trustees to be a body politic and corporate.

aforesaid, and shall have perpetual succession and a common-seal, with power to break, change and alter the same at pleasure.

Vacancies in trust, how filled up.

II. When any vacancy in the said trust shall arise by death, resignation or otherwise, then any five of the said trustees shall give notice, that a meeting of the said people called Bible Christians shall be held on a given day, for the election of one or more trustees to fill up the said vacancy or vacancies, who, in all cases, shall be members of the said Church, and the said notice shall be given in the meeting houses of the people called Bible Christians, in Prince Edward Island, immediately after divine service, in each morning of the four Sabbaths next preceding the said meeting, and the choice of said trustee or trustees shall be determined by the vote of the majority of the male members of the said people called Bible Christians, of the age of not less than twenty-one years, either given personally or by proxy, in writing, authenticated in such way and manner as shall be appointed and settled by any by-law of the said corporation.

Powers of trustees.

III. The said trustees hereby appointed, and their successors, shall, and they are hereby authorized and empowered, in their name of office, to bring or defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in law or equity, touching or concerning the lands, real and personal estate, debts, claims, rights and property of the said trustees, as such, or of the said people; and the said trustees, by their said name of office, shall and may, in all cases concerning the said lands, or other real or personal estate vested in them, debts, claims, rights and property of the said board of trustees, sue and be sued, implead and be impleaded; and no such suit, action or prosecution shall be discontinued or abate by the death of any such trustee, or on his ceasing to be such trustee, but shall and may be proceeded in by the remaining trustee or trustees for the time being; any law, usage or custom to the contrary, notwithstanding; and the trustees for the time being shall pay or receive the like moneys, costs and expenses, as if the action or suit had been prosecuted by individuals, and for the benefit of, or to be reimbursed from the trust funds of the said church.

Trustees may purchase, or in any other lawful mode acquire real or personal estate.

IV. It shall and may be lawful for the trustees for the time being, to be appointed by or in pursuance of this Act, or the major part of them, and they are hereby authorized, in their several names, and under the designation of "the trustees of the people called Bible Christians of Prince Edward Island," to contract for and purchase, or in any lawful mode, whether by devise, bequest or otherwise, to acquire or obtain, either in fee simple, or for any life or lives, or term or terms

of years, for the benefit or purposes of the said Church of Bible Christians, any messuages, lands, tenements, buildings or hereditaments, real or personal estate whatsoever, in this Island, and to take and receive the necessary and legal conveyances, leases, deeds, assignments, devises or other transfers thereof respectively, to hold for, upon, under, and subject to the uses and purposes in this Act mentioned; and the said messuages, lands and tenements, with the appurtenances, shall be and remain vested in the said trustees, subject, nevertheless, in all cases, to be used and disposed of according to the decision of the majority of the said trustees, for any such uses and purposes aforesaid.

V. The said corporation shall retain or be paid and allowed out of the trust funds, all reasonable costs, charges and expenses incurred in and about the trust aforesaid, or any other trust declared in this Act: provided always, that it shall not be lawful for the said corporation to hold real estate for the use of the said people, which shall exceed in value and yield at any time more than a clear net yearly income of five hundred pounds.

Trustees to be allowed reasonable costs.

Yearly income of corporation not to exceed £500.

VI. Nothing herein contained shall affect, or be construed to affect, in any manner or way, the rights of Her Majesty, her heirs or successors, or of any person or persons, or of any body politic or corporate; such only excepted as are herein mentioned.

Not to affect the rights of Her Majesty, &c.

VII. In case of necessity, the said trustees, or a majority of them, shall have full power to mortgage the premises vested in them as aforesaid, till any debts that may be contracted shall be fully discharged; and in case the said trustees shall have occasion to lay out, or to borrow any moneys to defray the expenses incurred in building or repairing the said chapels and mission houses, and in case they shall be under the necessity of paying off and discharging the same, then it shall and may be lawful to and for the said trustees to give to the president for the time being of the Conference of the people aforesaid, twelve calendar months' notice of such their intention; and in case they shall not receive such moneys within such time from the said president, or from the said society, then they, the said trustees, shall be at full liberty to sell and dispose of the same by public auction, for the most money that can be obtained for the same, and effectually to convey the same to the purchaser or purchasers thereof, and to give a proper discharge for the purchase money; which purchase money shall be applied to the payment of the debts due on the said chapels and premises, if any; and in case of their being a surplus, after the debts due on the chapels are fully discharged, the said trustees, or their successors, shall pay the

Empowers trustees to mortgage premises.

same to such person or persons, and for such purposes as the said annual Conference of the people called Bible Christians shall direct and appoint.

CAP. XXXVIII.

An Act to incorporate a Temperance hall company in Charlottetown.

[Passed April 3, 1852.]

WHEREAS a Temperance Hall has been erected in Charlottetown, which will be a great public advantage, inasmuch as it will afford accommodation for holding public meetings convened for moral and useful purposes: and whereas the several persons hereinafter named, and others, have entered into a subscription to raise in shares the sum requisite as a joint stock or fund for that purpose:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that John Orlebar, James Peake, Charles Young, Henry Haszard, Albert H. Yates, James Yeo, Thomas Williams, Christopher Cross, William MacKay, and all and every such person or persons as shall from time to time become proprietors of shares in the company and undertaking hereby established, and their respective successors, executors, administrators and assigns, shall be, and they are hereby declared to be a body politic and corporate, by the name of "The Charlottetown Temperance hall company," and by that name shall have a perpetual succession and a common seal, and by that name shall and may sue and be sued, plead or be impleaded, in all Courts of law or equity within this Island.

II. That the said company shall and may take, purchase and hold any lands, houses, tenements and hereditaments, in fee simple or otherwise, and also rents, moneys, securities for moneys, goods and chattels, and shall and may demise and let, sell and convey, or mortgage the same, or any part thereof, subject to the restrictions hereinafter mentioned; and do and execute all other things in and about the same which may be necessary and proper for the benefit of the said company, and shall have full power and authority to make and establish such by-laws and ordinances as may from time to time be required, and to alter or amend the same; provided such by-laws and ordinances be not contradictory or repugnant to the laws and statutes of this Island.

III. Provided always, That the said company shall not hold and possess at any one time real estate to a greater value than five thousand pounds.

Incorporates certain parties as a temperance hall company.

Name.

Company may purchase and hold lands, &c. and make such by-laws, &c., as may be required.

Limits amount of real estate, to be held by said company.

IV. That the capital of the said company shall be divided into shares of twenty pounds each share, and such shares shall be assignable and transferable in such manner and upon such terms, as by the said by-laws may be provided and directed; and that notwithstanding any real estate which the said company may hold at any time, the shares and interest of the several shareholders of and in the capital stock and funds of the said company shall be held and deemed to be personal property, to all intents and purposes.

Capital of company to be divided into shares of £20 each.

V. That the several persons who now are or hereafter may become subscribers towards the said undertaking shall, and they are hereby required to pay the sums of money by them respectively subscribed in such proportion, and at such time and places as shall be directed by the said by-laws; and in case any person shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said company to sue for and recover the same in any court of competent jurisdiction: provided always, that it shall not be lawful for the said company to call for or require any shareholder in the said company to contribute or pay any larger sum than the amount of the share or shares held by him as aforesaid.

Payments of subscriptions, how to be made

Mode of procedure, in case of neglect to pay the same.

VI. That the joint property or stock of the said company shall be alone liable for its debts or engagements; and that no proprietor or shareholder in the said company shall be or become responsible, chargeable or accountable, by any ways or means, for any other or greater sum of money than the amount of the shares which he shall actually and *bona fide* possess or be entitled to in the capital or joint stock of the said corporation.

Joint property of company alone liable for its debts.

VII. That all such lands and real estate as the said company may hold at any time, or so much thereof as may be necessary to satisfy any writ of execution issued upon any judgment obtained against the said company, shall and may be taken upon such writ, and sold in the same manner and with like notices, proceedings and equity of redemption as the lands of private persons may be taken, levied on and sold according to law; and the sheriff shall, immediately after such sale, make and execute a deed to the purchaser, which deed shall convey and transfer all the estate and interest of the said corporation in the lands so taken, sold and conveyed.

Lands, &c., of company may be taken and sold in the same manner as lands of private individuals.

VIII. That the general annual meeting of the said company shall be held on the first Monday of January in every year, after this present year, at some convenient place in the town of Charlottetown, to be appointed and duly notified to the company by the board of directors; and that special meetings of the company shall be summoned by the directors when

Annual meeting of company when held, &c.

Ten days' notice of special meetings to be given

they shall deem the same necessary, or whenever a requisition in writing therefor shall be delivered to the Board, signed by ten shareholders, and specifying the object of such meeting: provided always, that at least ten days' notice of such special meeting, and of the object thereof, shall be given in some two of the public newspapers published at Charlottetown aforesaid; and that all such general or special meetings may be adjourned from time to time, and from place to place, as may be found expedient.

Mode of voting at annual or special meetings.

IX. That at any annual or special meeting of the company, each proprietor or shareholder having paid up all calls upon him made and then due and payable, shall be entitled to vote as follows, namely: the owner of one share to have one vote, the owner of two shares to have two votes, and the owner of five shares, or a greater number of shares, to have three votes, and no more; and the said proprietor may give such vote or votes by his proxy, in writing, duly constituted, according to the by-laws, such proxy being a shareholder and entitled to vote; and every such vote by proxy shall be as good and sufficient to all intents and purposes as if such principal had voted in person; and at every meeting of the board of directors, each director shall have one vote only; and every question, matter or thing, which shall be considered or discussed at any meeting of the board of directors, shall be determined by the majority of votes then given by the directors then present; and in case it should so happen that at any general or special meeting of the board of directors the votes shall be equal, then the president of the company, or, in his absence, the chairman of the meeting, or of the board, shall be entitled to a casting vote in addition to his own personal vote.

Mode of voting of directors.

First general meeting, how convened.

X. That as soon after the passing of this Act as may be convenient and deemed expedient, the said nine persons first named in this Act, or any three of them, shall, by public advertisement, to be printed in at least two of the newspapers in Charlottetown during ten days, appoint a day and place for the first general meeting of the subscribers, and shall assemble such meeting; and a chairman thereof being chosen from among the subscribers present, with a secretary, the company hereby incorporated shall be formed and organized, and go into operation under this Act; and the said subscribers then and there present, or their proxies, shall and may forthwith, in the manner prescribed, proceed to elect seven directors, (one of whom shall be chosen by the said directors by ballot as president,) and a secretary; and the said directors and secretary so to be elected, shall hold, exercise and enjoy and retain their respective offices from the day of such their election until the first annual general meeting thereafter, and thence continually until a new choice of officers be made by

Seven directors (one of whom shall be president) and a secretary shall be thereupon selected by the subscribers.

the company, pursuant to this Act and the by-laws of the said company: provided always, that no person shall, at the said meeting, or any subsequent meeting at which officers shall be elected, be deemed eligible to office, unless such person shall be at the time of such election of officers a shareholder of said company; and provided that the majority of the said officers shall be members of some temperance society in the said Island.

Persons eligible to office.

XI. That at the general annual meeting of the company in each year, the directors of the said company for the ensuing year shall be elected by ballot, in the following manner, namely: the shareholders shall first elect three directors out of the seven who have served for the preceding year, provided they shall be willing again to accept office, and shall then elect four others from the shareholders of the company indiscriminately; and if all or any of the retiring directors shall refuse to be reelected, the said shareholders shall proceed to the election of others of the company, until the full number of directors be completed.

Mode of electing directors.

XII. Provided always, that no person concerned or interested in any contract under the said company shall be capable of being chosen, or if chosen, of continuing a director of the said company; and no person, during the time he shall be such director, shall be capable of taking any contract under the said company.

Contractor under company not to be chosen director.

XIII. When and so often as any director named or elected by virtue of this Act shall die, or shall resign, or shall become disqualified or incompetent to act as such director, before his term of office shall have expired, it shall be lawful for the remaining directors to elect some other proprietor, duly qualified to fill up such vacancy.

Vacancies in directorship how filled up.

XIV. If from neglect or any other cause the said annual general meeting should not be held, the directors last chosen shall continue to act, and have the same powers that they had and were possessed of, until the next annual general meeting, or until new directors shall be chosen or appointed as aforesaid.

Directors to continue in office until successors are chosen.

XV. The directors who shall first be chosen under the provisions of this Act shall, with all convenient speed, proceed to draw up a code of by-laws, rules and regulations, for the government of the said company and the conduct and management of its affairs and business, and shall submit the same, to be altered, amended and confirmed by a committee selected and appointed at the first general or some other meeting of the said company to superintend the same; and it shall be lawful for the said company, from time to time, and as often as may

Directors first chosen to draw up by-laws, &c.

Further shares in company may be sold;

purchasers to be entitled to same privileges as other shareholders.

be deemed necessary for the purpose of carrying on the business of the said corporation, to sell further shares therein; and every purchaser of such shares shall be entitled to all the privileges and advantages of other shareholders in the said company.

Directors may be empowered to mortgage or sell property of corporation.

XVI. The directors of the said corporation shall be authorized and empowered at any time, by and with the assent of two-thirds of the shareholders, to be given in writing at any general or special meeting, regularly convened, and not otherwise, to borrow on mortgage of the property belonging to the said corporation, such sums of money as may be required for the uses thereof, or absolutely to sell and dispose of the real estate and property of the said company, if deemed expedient; and the said directors are hereby authorized to convey in mortgage any lands or real estate of the said corporation, for the purpose of securing the moneys so to be borrowed as aforesaid; or in case of an absolute sale of the said real estate, or any part thereof, to grant and convey the same, and to make the necessary deeds and conveyances for that purpose.

Prohibits company from dealing in the lending of money, &c.

XVII. Provided always, That nothing herein contained shall be held or construed to give the said company the privilege of dealing in the lending of money, by way of discount or otherwise, or of engaging in any banking operation whatsoever, or to effect any insurance upon any ship or vessel, or marine risk, or upon any loss by fire, or upon any life or lives.

CAP. XXXIX.

Continued by 25 Vic. cap. 4.

An Act to incorporate the Grand Division and subordinate divisions of the order of the Sons of Temperance in Prince Edward Island.

[Passed April 3, 1852.]

WHEREAS certain persons have associated themselves in this Island, under the names of the "Grand Division" and "Subordinate Divisions of the Sons of Temperance" in Prince Edward Island; and whereas, in addition to the moral objects which that association has in view, they are associated for the purpose of establishing a fund for the mutual assistance and benefit of the members thereof, and of their families, in case of sickness, disability or death; and whereas, for the purpose of managing the pecuniary affairs of the said association, it is desirable that the said order of Sons of Temperance should be protected by an Act of incorporation: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

I. The Honorable Charles Young, John Arbuckle, the Rev-

erend David W. Fitzgerald, James Barrett Cooper, Peter Desbrisay, John William Morrison, the Reverend Silas Tertius Rand, William Benjamin Dawson, William MacKay, William Sanderson and William Reid, members of the Grand Division of the order of the Sons of Temperance of Prince Edward Island, and their successors, and such and so many other persons and parties as have become or shall become members thereof, shall be and are hereby constituted a body politic and corporate, by the name of "The Grand Division of the order of the Sons of Temperance of Prince Edward Island," and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, in all courts of law or equity whatsoever, and shall have uninterrupted succession and a common seal, which may by them be changed or varied at their pleasure.

Incorporates certain parties as the Grand Division of the Sons of Temperance.

Name.

Corporation may sue and be sued, &c.

II. It shall be lawful for the said corporation to acquire and hold land, and immovable or real and personal property; provided, that the real estate to be held by the said grand division shall at no time exceed in value the sum of two thousand pounds; and it shall be lawful for the said corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

May hold personal and real estate, the latter not to exceed in value £2000.

III. It shall and may be lawful for the said corporation to appoint such members thereof as they may think proper, in such manner as they may by their by-laws provide, for the purpose of managing the funds and property of the said corporation, and to revoke such appointments, and substitute others in their places, as they may think expedient, and to demand and accept such security as they may from time to time deem proper, from such parties or from any other officers appointed by the said corporation, for the performance of their respective duties, and to make, ordain and put in execution all such by-laws and rules as they may think necessary for the purposes aforesaid, not inconsistent with the laws of this Island.

Corporation may appoint members to manage funds, demand and take security, &c.

IV. Each subordinate division of the order of the Sons of Temperance now instituted or which may hereafter become instituted within Prince Edward Island, may, in the manner hereinafter specified, be and become a body politic and corporate, by the name, number and place of location by which it is or may be designated in the said order; and that each subordinate division, upon so becoming incorporated, shall have all the powers and privileges conferred upon the Grand Division of the Sons of Temperance by the first section of this Act, for the sole purpose of managing their real and personal estate; provided, that the real estate to be held by such subordinate division shall in no case exceed the value of one thousand pounds.

Subordinate divisions, how incorporated.

Real estate not to exceed in value £1000.

Mode of proceeding to incorporate subordinate divisions.

Copy of decision of division &c., to be filed in registrar's office.

V. Each subordinate division which may be desirous of becoming incorporated, shall and may, by a vote of two-thirds of its member, present at any regular meeting (of the intention to propose which vote two weeks' notice at least shall be given in regular meeting of such subordinate division, by some member thereof, in writing), decide to become so incorporated; and upon a copy of the vote of such decision, specifying the name, number and place of location of such division, and the names of not less than ten of the members of such subordinate division, under the seal of the said subordinate division, and its presiding officer and recording scribe, together with a certificate of the grand division under its corporate seal, and the signature of its presiding officer and scribe, that such subordinate division is in full standing in the order, being filed in the office of the registrar of deeds and keeper of plans of the said Island, the members of such subordinate division whose names may be included in such vote as aforesaid, and their associates and successors, members of such subordinate division, shall be and become, from the time of filing such certificate as aforesaid with such registrar, a body politic and corporate as aforesaid, by the style or name, number and place of location of such subordinate division.

Capital of subordinate divisions, how invested.

VI. It shall and may be lawful for the trustee or trustees of each subordinate division so incorporated, and he or they are hereby empowered from time to time, by and with the consent of such subordinate division, to be testified in such manner as may be directed by their by-laws, to lay out and invest all such sum and sums of money as shall from time to time be collected, and not required for the immediate exigencies of such subordinate division, in real estate or on mortgage, or in public or other stock or funds, or in such other manner as such subordinate division may deem best; and from time to time, with the like consent, to alter, sell and transfer such securities, real estate or funds respectively, and otherwise to reinvest or dispose of the same; and the certificate, bill of sale, deed or other instrument of transfer, sale or discharge of such estate, or fund or security, shall be made under the seal of such subordinate division, and signed by the trustee or trustees and presiding officer of such subordinate division; and all such investments shall be made, and securities taken, and sales and transfers made, in the corporate name and capacity of such subordinate division.

Trustees may sell real estate, &c.

Trustees may be required to give bond for the faithful performance of their duties.

VII. It shall and may be lawful for such subordinate division, when so incorporated, to receive from the trustee or trustees, from time to time, in their corporate name, sufficient security, by bond, with one or more surety or sureties, or otherwise, as such subordinate division may deem expedient, for the faithful performance of his or their duties as such, and that he or they will, well and truly account for, and pay and

invest, from time to time, all such sums of money, funds or other property, as may come to his or their hands, or under his or their control, belonging to the said subordinate division, as directed by the said subordinate division.

VIII. No member of any subordinate division, so incorporated, shall have any power to assign or transfer to any person or persons whomsoever any interest which he may have to or in the funds or property of such subordinate division, but the same shall at all times be and remain under the control of such subordinate division; and no property or stock of any kind belonging to such incorporated subordinate division shall be subject to the payment of the private debts of any of its members, nor be liable to be taken in execution by any judgment creditor against any individual member of such subordinate division.

Interest of members in property, not transferable.

Property not liable for the private debts of members.

IX. The property of each of the subordinate divisions, when incorporated, shall alone be held responsible for the debts and engagements of the subordinate divisions owning such property.

Property responsible for debts of divisions.

X. Upon the dissolution of any subordinate division, so incorporated, the property held by it at the time of such dissolution, after the payment of the debts and engagements of such subordinate division, shall be disposed of, sold or conveyed in such manner as the members present at any regular meeting, when such dissolution shall have been determined upon by a two third vote, may direct; and in case no disposition of the funds and property of such subordinate division shall be made, then all such funds and property as such subordinate division may be possessed of at the time of such dissolution, shall be *ipso facto* vested in the grand division aforesaid, to be by such grand division applied, first to the debts or liabilities of such dissolved subordinate division, and the balance, if any, in such manner as the said grand division may deem best for the general interests of the Order in Prince Edward Island.

Dissolution of divisions and disposal of property.

No disposition of property being made, previous to dissolution, such property to vest in the grand division.

XI. If, at any time hereafter, any one or more of the subordinate divisions shall become so far involved as to be unable to meet its engagements, then and in such case it shall and may be lawful for the said grand division to enter into and upon, and take possession of the said property, both real and personal, of which the said subordinate division becoming so involved, shall be possessed; and the same, and all debts owing to the said subordinate division, and all liens and securities therefor, and all the said right of action of the said corporation, for any goods or estate, real or personal, shall thenceforth and thereafter be and become vested in the members, trustees or officers appointed for the purpose of managing the

Subordinate divisions unable to meet engagements, grand division to take possession of property, &c.

Liabilities and powers of grand division with respect to such property.

real and personal estates and effects of the said grand division, and their successors and assigns; and upon so entering and taking possession of the said estates and effects of the said subordinate division, the said grand division, so far as the said property shall extend, shall be and become liable for and subject to all debts and liabilities contracted by such subordinate division in its corporate capacity; and shall and may thenceforth substitute the names or name of such trustees or officers as aforesaid, for the time being, and of their successors in all actions then pending, and in their own names or name, bring and prosecute all such actions or action, suits or suit, as the said subordinate division might otherwise have done, and may give such releases and such discharges as might have been given by the said subordinate division, and may sell and convey all such property, both real and personal, as the said subordinate division was possessed of or was entitled to at the time of such insolvency, and may give all such deeds as may be necessary for the proper conveyance of the same.

Limitation of Act.

XII. This Act shall continue in force for the period of ten years from the time of the passing thereof.

CAP. XLI.

Continued and amended by 20 Vic. cap. 17.

An Act to prevent the going at large of swine and geese at all seasons and of horses at certain seasons of the year, in the square and streets of Georgetown.

[Passed April 3, 1852.]

WHEREAS it is deemed necessary to prevent horses, swine and geese, from being at large within the town of Georgetown: Be it enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

Senior Magistrate to appoint four persons to take up swine and geese going at large.

I. It shall and may be lawful for the senior magistrate for the time being, resident in Georgetown, and he is hereby required, to appoint four fit and proper persons, on or before the first day of May next, and on or before the first day of April in each succeeding year, and whose duty it shall be to seize and take up any swine or geese going at large beyond the premises or enclosures of the owner or owners, within the said town; and on receiving information of such swine or geese going at large as aforesaid, and on the same being shewn to any or either of the said persons so appointed, it shall and may be lawful for any of the said persons to seize and take up, or cause to be taken up, all swine and geese found at large in Georgetown, and to sell and dispose of the same at public auction; and all persons obstructing in any manner whatsoever any of the said persons in the execution of their duty shall forfeit and pay a fine not exceeding one pound, and not less

Penalty for obstructing such persons in the execution of their duty.

than five shillings; to be recovered before any one or more of Her Majesty's Justices of the Peace, to be levied on the offender or offenders' goods and chattels, by warrant of distress; and in the event of the offender or offenders not having goods and chattels whereon to levy the said fine, then the Justice or Justices of the Peace for the said town is or are hereby authorized and empowered to commit the said offender or offenders to the jail, for a space not exceeding fourteen days, nor less than four days.

II. If the aforesaid persons, or any of them, so to be appointed within the said town, shall neglect or refuse to perform the duties of the said office, in manner hereinbefore prescribed, every reeve so neglecting or refusing to perform such duty shall forfeit and pay a sum not exceeding twenty shillings, nor less than five shillings, to be recovered in manner aforesaid; one half of said fine to be paid to the assessors of the town for the time being, and by them applied towards opening and repairing the streets in the said town, and the other half to the person who may sue for the same; provided always, that no person appointed as aforesaid shall be liable to serve such office more than once in every two years.

Penalty on reeve neglecting or refusing to perform duty

No person liable to serve more than once in every two years.

III. From and after the passing of this Act, if any horse, mare or gelding, shall be found at large within the streets or square of Georgetown, between the first day of January and the fifteenth day of April, in each year, the owner or owners thereof shall be liable to pay a fine of five shillings, to be recovered, with costs, as hereinbefore directed.

Owner of horse mare, &c., found at large, liable to a penalty, in certain cases.

IV. All fines and forfeitures recoverable under this Act, excepting the fine imposed by the second section, after deducting all costs and expenses incurred, shall be disposed of in manner following; one half to the person who shall prosecute for the same, and the remaining moiety to the assessors in the said town, to be by them applied towards opening and keeping in repair the streets in the said town.

Fines and forfeitures, how applied.

V. This Act shall be and continue in force for four years, and from thence to the end of the then next session of the General Assembly, and no longer.

Limitation of Act.

PRIVATE AND LOCAL ACTS.

ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

CAP. XIX.

Amended by
19 Vic. c. 6,
20 Vic. c. 15,
and 22 Vic. c.
11.

An Act to incorporate the Charlottetown gas light company.

[Passed April 16, 1853.]

Preamble.

WHEREAS Daniel Brenan, Charles Young, Charles Hensley, Joseph Pope, George Birnie, James Walkinshaw, Francis Longworth, Henry Haszard, James Anderson, James Douglas Haszard, George Beer, and George Wastie Deblois, together with divers others, have associated themselves into a company for supplying the town of Charlottetown with gas light, which said company is to have a capital or joint stock of six thousand pounds of current money of Prince Edward Island, divided into one thousand two hundred shares, of five pounds each; and whereas it is expedient that such company should be incorporated:

Incorporates
certain persons
as the "Char-
lottetown Gas
Light Com-
pany."

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Daniel Brenan, Charles Young, Charles Hensley, Joseph Pope, George Birnie, James Walkinshaw, Francis Longworth, Henry Haszard, James Anderson, James Douglas Haszard, George Beer, and George Wastie Deblois, and all and every other person or persons who now are or may hereafter from time to time be and become proprietors of shares in the said company, their successors and assigns, shall be and are hereby declared to be a body politic and corporate, by the name and style of "the Charlottetown Gas Light Company," and by that name shall have succession and a common seal, and shall and may by that

Powers of the
company as to
bringing ac-
tions, holding
lands, &c.

name sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in any court or courts of law, equity, or place whatsoever, and be able and capable in law to have, hold, purchase, take, receive, lease, possess and enjoy any houses, lands and tenements whatsoever, in fee simple, leasehold or otherwise, and also any goods and chattels, and all other things, real, personal, and mixed, and also to give, grant, sell, let, assign or convey the same, or any part thereof, as shall and may be thought necessary and proper for the benefit and advantage of the said company; provided always that the said company shall not have, take, hold, possess and enjoy, at any one time, lands, tenements and hereditaments of greater value than five thousand pounds.

Real estate to the amount of £5000, may be held by the company.

II. And be it further enacted, That it shall and may be lawful for the said Daniel Brenan, Charles Young, Charles Hensley, Joseph Pope, George Birnie, James Walkinshaw, Francis Longworth, Henry Haszard, James Anderson, James Douglas Haszard, George Beer and George Wastie Deblois, immediately after the passing of this Act, to continue to take subscriptions for shares in the said company, in addition to those shares which have already been subscribed for, and on the same terms; but no person shall be entitled to subscribe for more than twenty shares until twenty days shall have elapsed from the day on which the books for such additional subscriptions shall have been opened, public notice of which shall be given by advertisements in the public newspapers in Charlottetown; and if, at the end of the said twenty days, the whole amount of shares of and in the said joint stock or capital, as hereinbefore prescribed, shall not be taken up or subscribed for, then any person or persons under the sanction and direction of the said Daniel Brenan, Charles Young, Charles Hensley, Joseph Pope, George Birnie, James Walkinshaw, Francis Longworth, Henry Haszard, James Anderson, James Douglas Haszard, George Beer, and George Wastie Deblois, hereinbefore named, or a majority of them, may subscribe for the residue of such shares, notwithstanding such person or persons may respectively subscribe for more than twenty shares.

Company may continue to take subscriptions for shares &c.

No person to subscribe for more than 20 shares until after a certain period.

When additional shares may be subscribed for.

III. And be it further enacted, That when and so soon as two thirds of the whole of the said shares or joint stock of the said company, as hereinbefore prescribed, shall be taken up and subscribed for, it shall and may be lawful for the said company, by a majority of votes, at any meeting or meetings to be thereafter held—the first of such meetings to be called by the said Daniel Brenan, Charles Young, Charles Hensley, Joseph Pope, George Birnie, James Walkinshaw, Francis Longworth, Henry Haszard, James Anderson, James Douglas Haszard, George Beer, and George Wastie Deblois, or the

Two thirds of the shares being taken up, directors are to be chosen by the company by ballot.

Powers of directors.

majority of them, to appoint, by ballot, directors of the said company, who shall have power to elect from among themselves a president, and to make by-laws, rules and ordinances for prescribing the duties, powers and authorities of the president, directors and officers of the said company, for regulating the payment, transfer, registry and forfeitures of shares, the time or times of meeting of the said company, or of the directors, the making of dividends of profits, and the keeping of the accounts, and generally for the good order, conduct and government of the said company, its affairs and business, as may be requisite and necessary.

Company may cause pipes, &c. and lamp posts to be laid and erected in the streets of Charlottetown.

IV. And be it further enacted, That it shall and may be lawful for the said company to supply the inhabitants of the said town of Charlottetown with gas light, and for that purpose, at a proper and convenient distance below the roads, streets, squares and highways of the said town, to cause pipes, leaders and tubes to be laid and placed, as may be necessary; and in the streets of the said town to place and erect in convenient and fitting situations lamp posts or burners and supporters for the same, as may be necessary for the proper lighting of the said town, or of such streets or parts of streets as may be lighted.

Company may open up roads, streets, &c. for such purposes.

V. And be it further enacted, That for the purposes aforesaid, after notice given to the chairman and Justices of the Peace for ordering and directing the performance of statute labor in Charlottetown and royalty, or to such officer or officers as may, from time to time, be appointed by law to manage or direct the repairing of the said streets or highways, it shall and may be lawful for the said company to break up and open the roads, streets, squares and highways, in or near to the said town, in any place where necessary, and to keep any such road, street, square or highway, open for such seasonable time as may be necessary; provided always, that the said company shall carefully close up, repair and make good the said roads, streets, squares, and highways, so to be opened, at their own costs and charges, or otherwise shall be liable to defray all expenses to be incurred, by the said chairman and justices, or other person by law authorized to manage the said streets and highways, in closing up, repairing, or making good any road, street, square or highway, by the said company to be opened up; which expenses shall be recoverable by the said chairman and justices, or other officer aforesaid, against the said company, with costs, in her Majesty's Supreme Court, by suit or action against the said company, in which it shall be sufficient for the said chairman and justices, or other officer, to declare for work and labor done by them for the said company.

Roads, &c., must be repaired at the expense of the company.

How such expense is to be recovered from the company.

VI. And be it further enacted, That whenever it shall be

come necessary to increase the capital or joint stock of the said company, it shall and may be lawful for the said company, at any general meeting, to be called agreeably to the by-laws, rules and ordinances to be made as aforesaid, to declare and direct that such increased capital shall be raised, not exceeding three thousand pounds, to be divided into shares of the like amount, in respect to the original capital, as is hereinbefore prescribed.

Company may increase its capital.

VII. And be it further enacted, That at any general meeting of the said company every proprietor or shareholder having paid up all calls on him made, and then due and payable, if any be then due and payable under the by-laws, rules and ordinances of the said company, shall be entitled to vote according to the number of shares which any proprietor or shareholder may possess; that is to say, the owner of one share to have one vote; the owner of ten shares to have two votes; the owner of twenty-five shares to have three votes; and the owner of fifty or a greater number of shares to have four votes, and no more; and may give such vote or votes by his or her proxy, duly constituted according to the by-laws, rules or ordinances of the said company, such proxy being himself a shareholder, and entitled to vote; and every such vote by proxy shall be as good and sufficient, to all intents and purposes, as if such principal had voted in person.

All shareholders entitled to vote at a general meeting who have paid up all calls on their shares, &c.

Shareholders may vote by proxy, &c.

VIII. And be it further enacted, That all shares in the said company, and in the undertaking for which it is established, and in the profits and advantages thereof, shall be deemed and taken to be personal estate, to all intents and purposes whatsoever, and shall be assigned and transferable accordingly; but no share shall be divisible, or divided or assigned in parts; and the several shareholders or subscribers to the said undertaking respectively, and their several and respective executors, administrators and assigns, shall not, except as hereinafter provided, be liable to any debts of or demands against the said company, beyond the amount of their several and respective subscriptions, or the shares they may severally and respectively hold or possess in the said company; nor under any calls or assessments to be made by the said company or board of directors, nor in any way, nor by any means, nor on any pretence whatsoever, be liable to the payment of any greater sum of money in the whole than the sum of five pounds, on or for each several share subscribed for, or held by, or standing in the name of such subscriber or shareholder, at the time of ordering any call or assessment, and that the said sum of five pounds shall include all the calls and payments to be made on one share, and that no greater sum than five pounds, in the whole, shall be paid on any one share in the said company.

Shares in the company to be deemed personal estate, and may be assigned accordingly.

Jointstock, &c. of the company liable for the payment of debts.

Directors liable for debts contracted by them without the sanction of the company

IX. And be it further enacted, That the said joint stock and real and personal estate of the said company shall be liable for and subject to the payment of all debts contracted by the said company, and that none of the present or future members of the said company shall be liable for the payment of any debt contracted beyond the amount of the calls and assessments due and unpaid on the shares of the stock held by such individual member; provided always, that if the directors of the said company shall, by any contract or engagement, incur any responsibility for any sum or sums of money beyond the amount of the shares subscribed for, without the sanction of the said company first had and obtained at some general or special meeting of the said company, to be called and summoned agreeably to the by-laws of the said company, the directors of the said company shall themselves be held and deemed personally liable for the amount so by them incurred.

Prohibits company from dealing in the lending of money, &c.

X. And be it further enacted, That nothing herein contained shall be held or construed to give the said company the privilege of dealing in the lending of money, by way of discount or otherwise, or engaging in any banking operation whatsoever, or to underwrite, or make as underwriters, any insurance upon any ship or vessel, or marine risk, or upon any loss by fire, or upon any life or lives.

Company may light Charlotte-town with gas, &c.

XI. And be it further enacted, That the said company shall, immediately after the passing of this Act, be at liberty to commence and undertake the lighting of the said town with gas, and to have and exercise all the privileges hereinbefore conferred on the said company.

Shares, how payable.

Mode of enforcing payment of calls on shares, &c.

XII. And be it further enacted, That the shares subscribed for by any shareholder in said company shall be payable in such manner, by such instalments and calls, and at such times and upon such notices, as by the by-laws, rules and ordinances of the said company may be ordered and directed; and if such calls and instalments shall not be paid, it shall and may be lawful for the said company to sue for and recover such calls and instalments by suit or action in any court of law, having jurisdiction against any shareholder who shall make default in payment of any call or instalment.

An abstract of accounts, &c. of company to be transmitted to Colonial Secretary's office annually.

XIII. The said company shall, in the month of January, in each year, during the continuance of this Act, transmit to the office of the Colonial Secretary of this Island a full abstract of the accounts and proceedings of the said company for the then past year, for the information of the Lieutenant Governor and her Majesty's Executive Council, and of the General Assembly.

*See 32 Vict. ch. 34
1869. Stat
cap 34*

PRIVATE AND LOCAL ACTS.

—
ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

—
CAP. IV.

An Act granting certain privileges to the New York, Newfoundland and London telegraph company.

See 20 Vic. cap. 13, and 25 Vic. c. 9.

[Passed May 10, 1854.]

WHEREAS the Legislature of Newfoundland has incorporated a company under the style and title of the "New York, Newfoundland and London telegraph company," for the purpose, among others, of establishing a line of telegraphic communication between America and Europe, by way of Newfoundland; and whereas it is expedient for the Legislature of this Island to encourage the said undertaking: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly:

I. That the New York, Newfoundland and London telegraph company, a corporation created by the Legislature of Newfoundland, shall have the right to hold lands, tenements, hereditaments, goods, chattels and things in action in this Island and its dependencies, and to use and dispose of the same, and to do all other acts and things within the scope of the Act of incorporation of the said company, or for the purposes contemplated by it, in the same manner and to the same extent as the said company may do the same in Newfoundland, or as if it were incorporated by the Legislature of this Island.

Company shall have right to hold lands, in this Island, &c.

II. The said corporation may establish, construct, purchase, hire, keep in order and work any line or lines of magnetic,

Corporation may construct,

purchase, &c.,
any lines of tele-
graph in this
Island, &c.

No other tele-
graph wire, &c.
to be connected
with this Is-
land.

When tele-
graph is com-
pleted through
this Island, &c.
government
may grant com-
pany 1000 acres
of land, subject,
&c.

Company may
erect lines of
telegraph, &c.

Arbitrators to
be chosen, &c.

electric, or other telegraph, or means of telegraphic communication in any part of this Island, or its dependencies, or places under its jurisdiction, or between any two or more points therein, or between any point or points therein and any other Island, province, country or place in or near the continent of America, or in or near the continent of Europe, or in the Atlantic ocean; and during the existence of the said corporation, no other person or persons, body or bodies, politic or corporate, shall be permitted to extend, to enter upon or touch any part of this Island, or the coast thereof, or of the islands or places within the jurisdiction of the government of this Island, with any telegraphic cable, wire, or other means of telegraphic communication from any other province, state, country or place whatsoever, beyond the continent of America.

III. So soon as the electric telegraph shall have been completed between Cape Traverse and Cape East, and connected therewith by submarine cables with New Brunswick and Newfoundland, it shall and may be lawful for the Governor, or Administrator of the Government, to issue grants, under the great seal of this Island, to the said corporation, for one thousand acres of unoccupied land or township number fifty-five; subject nevertheless to the usual taxation attendant upon the possession of wild lands in this Island, and the right of the public to construct any road in and over the said land, or any part thereof, as to the Governor or Administrator of the Government, with the advice of the Executive Council, may seem just and reasonable.

IV. The company may erect or maintain their said lines of telegraph along the side of, or across any public highways, bridges, watercourses, or other such places, provided they do not interfere with the public right of travelling thereon; and may enter upon any lands or places, and survey and set off such parts thereof as may be necessary for the said lines of telegraph, and may take from any part of the ungranted and unoccupied Crown lands of this Colony, any posts or building materials necessary to make or repair the lines, or any buildings in connection therewith; and in case of disagreement between the company and any owner or occupier of lands which the company may take for the purposes aforesaid, or in respect to any damage done to the same, by constructing the lines through or upon the same, the company, and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision (on the matter in difference) of any two of them in writing, shall be final; and if the said owner or occupier, or the agent of the said company, shall neglect or refuse to choose an arbitrator within four days after notice in writing to him from the opposite party, or if such two arbitrators, when duly chosen

and appointed, shall disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Colonial Secretary, for the time being, to nominate any such arbitrator or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided.

V. The governments of Great Britain, of the United States, of Newfoundland, and of this Island, shall respectively have, at all times, a preference over all persons of conveying messages upon the said lines of telegraph relating to the public services of these governments respectively; and the rate of charges therefor shall not exceed the charges made to private individuals; and the said company shall at all times transmit the messages of private parties without preference or delay.

What governments to have preference of conveying messages.

VI. Any person wilfully interrupting the free use by the said company of any telegraph line established or used by it, or any works connected therewith, shall be subject to a penalty of not less than ten pounds, nor more than one hundred pounds, to be recovered by any person informing and suing for the same in a summary way before one or more Justices of the Peace, and to be levied by a warrant of distress and sale of the offender's goods and chattels; one half of such penalty shall go to the party suing for the same, and the other half to be paid to the treasurer of the Island, for the use thereof; and in default of goods and chattels to satisfy such warrant, every such offender shall be committed to jail by such Justice or Justices, for any period not exceeding one hundred days; and if any person shall wilfully or maliciously obstruct or damage any such telegraph line, works, buildings, machinery, or other property connected therewith, he shall be guilty of misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds; and every operator, agent or servant of the said company, employed in the transmission or delivery of intelligence or messages, shall, before he enters on the duties of his office, make oath before a Judge, or Justice of the Peace, that he will not wilfully divulge the contents of any message transmitted by said company, or left with any of its operators, agents or servants for transmission or delivery; and every person violating the said oath shall be adjudged guilty of misdemeanor, and punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds.

Persons wilfully interrupting &c., subject to penalty from £10 to £100.

Operator to make oath not to divulge contents of any message.

VII. All wires and materials required for constructing, repairing or working the main or branch lines of telegraph, or for connecting them, or any of them, with any other island, province or country, shall and may be imported free of duty.

Wires, &c. duty free.

VIII. The Act passed in the sixteenth year of her Majesty's

Repeals Act of 16th Vic. cap. 16.

Telegraph lines &c., of said former company, having been sold, &c., last mentioned company may hold same, &c.

reign, intituled "An Act to incorporate the Newfoundland and Prince Edward Island electric telegraph company," is hereby repealed, no legal organization having been perfected in pursuance thereof; and all the telegraph lines, wires, posts, insulators, cables and other property in Prince Edward Island, and in the waters between the said Island and New Brunswick, which have been constructed, laid, purchased or acquired in the name of the said company, or under color of the said Act, or which belonged to the late "Newfoundland and Prince Edward Island electric telegraph company," having been sold, transferred and conveyed to the said "New York, Newfoundland and London telegraph company;" which shall henceforth be seized and possessed of, and entitled to all of the said telegraph lines, wires, posts, insulators, cables and other property, and may hold, use and dispose of the same, in the same manner and with the same effect as if the said "New York, Newfoundland and London telegraph company" had built and constructed the same after the passage of this Act; subject, however, to such judgments as are now on record against the "Newfoundland and Prince Edward Island electric telegraph company" in this Island.

This Act to be public Act.

IX. This Act shall be deemed and taken to be a public Act, and shall be judicially noticed as a public Act, without being specially pleaded.

CAP. VIII.

An Act to incorporate the Charlottetown Masonic hall company.

[Passed May 10, 1854.]

Preamble.

WHEREAS it is deemed desirable to erect in Charlottetown a Masonic hall for the purpose of holding meetings therein, and whereas the several persons hereinafter named have entered into a subscription to raise in shares, the sum requisite as a joint stock or fund for that purpose :

Name of persons incorporated.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the honorable Charles Young, William Taylor Paw, John William Morrison, Albert Hinde Yates, John Thomas Rowe, Charles Bell and Edward Bainford Love, and all and every such person or persons as shall from time to time become proprietors of shares in the company hereby incorporated, and their respective successors, executors, administrators and assigns, are hereby incorporated under the name of "The directors of the Charlottetown Masonic hall company," and by that name shall have perpetual succession, and may sue and be sued, and have a common seal, and may take and hold personal property, and also real estate not exceeding

Corporation to have perpetual succession and a common seal

in value, at any one time, five thousand pounds, and may mortgage, sell, lease, or otherwise dispose of the same as may be deemed expedient, conformably, however, in all respects to any trusts under which the same may be held.

II. That the said company shall and may take, purchase and hold any lands, houses, tenements and hereditaments in fee simple or otherwise, and also rents, moneys, securities for moneys, goods and chattels, and shall and may demise and let, sell and convey or mortgage the same, or any part thereof, subject to the restrictions hereinafter mentioned, and do and execute all other things in and about the same which may be necessary and proper for the benefit of the said company, and shall have full power and authority to make and establish such by-laws and ordinances as may from time to time be required, and to alter or amend the same; provided such by-laws and ordinances be not contradictory or repugnant to the laws and statutes of this Island.

Corporation may hold lands, &c.

Power to make by-laws.

III. That the capital of the said company shall be divided into shares of ten pounds each share, and such shares shall be assignable and transferable in such manner and upon such terms, as by the said by-laws may be provided and directed; and that, notwithstanding any real estate which the said company may hold at any time, the share and interest of the several shareholders of and in the capital stock and funds of the said company shall be held and deemed to be personal property to all intents and purposes.

Capital of company to be divided into shares of £10 each.

IV. That the several persons who now are or hereafter may become subscribers towards the said undertaking, shall, and they are hereby required to pay the sums of money by them respectively subscribed, in such proportion, and at such time and places, as shall be directed by the said by-laws; and in case any person shall neglect or refuse to pay the same, at the time, and in the manner required for that purpose, it shall be lawful for the said company to sue for and recover the same in any court of competent jurisdiction; provided always, that it shall not be lawful for the said company to call for or require any shareholder in the said company to contribute or pay any larger sum than the amount of the share or shares held by him as aforesaid.

Subscribers to pay, when and how.

Subscribers where may be sued.

V. That the joint property or stock of the said company, shall be alone liable for its debts or engagements, and that no proprietor or shareholder in the said company shall be or become responsible, chargeable or accountable, by any ways or means for any other or greater sum of money than the amount of the shares which he shall actually and *bona fide* possess or be entitled to in the capital or joint stock of the said corporation.

Joint property of company to be alone liable for its debts, &c.

Company's
lands may be
sold under writ
of execution,
&c.

VI. That all such lands and real estate as the said company may hold at any time, or so much thereof as may be necessary to satisfy any writ of execution, issued upon any judgment obtained against the said company, shall and may be taken upon such writ, and sold in the same manner and with the like notices, proceedings and equity of redemption as the lands of private persons may be taken, levied on and sold according to law; and the sheriff shall, immediately after such sale, make and execute a deed to the purchaser or purchasers, which deed shall convey and transfer all the estate and interest of the said corporation in the lands so taken, sold and conveyed.

General annual
meeting of com-
pany to be held
on 27th Dec.

VII. That the general annual meeting of the said company shall be held on the twenty-seventh day of December, being Saint John's day, in every year; and should the said day fall upon Sunday, then on the following day, at some convenient place in the town of Charlottetown, to be appointed and duly notified to the company by the board of directors; and that special meetings of the company shall be summoned by the directors, when they shall deem the same necessary, or whenever a requisition in writing therefor shall be delivered to the Board, signed by ten shareholders, and specifying the object of such meeting; provided always, that at least ten days' notice of such special meeting, and of the object thereof, shall be given in some two of the public newspapers published at Charlottetown aforesaid; and that all such general or special meetings may be adjourned from time to time, and from place to place as may be found expedient.

Special meet-
ings may be
summoned.

Number of
votes allowed
shareholders.

VIII. That at any annual or special meeting of the company, each proprietor or shareholder having paid up all calls upon him made and then due and payable, shall be entitled to vote as follows, namely: The owner of one share to have one vote; the owner of two shares to have two votes; and the owner of five shares, or a greater number of shares, to have three votes, and no more; and the said proprietor may give such vote or votes by his proxy, in writing duly constituted, according to the by-laws, such proxy being a shareholder, and entitled to vote; and every such vote by proxy shall be as good and sufficient to all intents and purposes, as if such principal had voted in person; and at every meeting of the board of directors, each director shall have one vote only; and every question, matter or thing, which shall be considered or discussed at any meeting of the board of directors, shall be determined by the majority of votes then given by the directors then present; and in case it should so happen that at any general or special meeting of the board of directors, the votes shall be equal, then the president of the company, or in his absence, the chairman of the meeting or of the board, shall be entitled to a casting vote, in addition to his own personal vote.

Votes, whereal-
lowed by proxy

Questions, &c.,
to be carried by
majority of di-
rectors.

IX. That so soon after the passing of this Act as may be convenient, and deemed expedient, the said seven persons first named in this Act, or any three of them shall, by public advertisement, to be printed in at least two of the newspapers in Charlottetown, during ten days, appoint a day and place for the first general meeting of the subscribers, and shall assemble such meeting; and a chairman thereof being chosen from among the subscribers present, with a secretary, the company hereby incorporated shall be formed and organized, and go into operation under this Act; and the said subscribers then and there present, or their proxies, shall and may forthwith, in the manner prescribed, proceed to elect seven directors, (one of whom shall be chosen by the said directors, by ballot, as president), and a secretary; and the said directors and secretary so to be elected, shall hold, exercise and enjoy and retain their respective offices from the day of such their election, until the first annual general meeting thereafter, and thence continually until a new choice of officers be made by the company, pursuant to this Act and the by-laws of the said company; provided always, that no person shall, at the said meeting or any subsequent meeting at which officers shall be elected, be deemed eligible to office, unless such person shall be at the time of such election of officers, a shareholder of said company; and provided that the said officers shall be free and accepted Masons.

Directors here-
in named by
advertisement
to appoint a
day for first
general meet-
ing-

President and
directors how
long to conti-
nue in office..

X. That at the general annual meeting of the company in each year, the directors of the said company for the ensuing year, shall be elected by ballot, in the following manner, namely: the shareholders shall first elect three directors out of the seven, who have served for the preceding year, provided they shall be willing again to accept office; and shall then elect four others from the shareholders of the company indiscriminately; and if all or any of the retiring directors shall refuse to be reelected, the said shareholders shall proceed to the election of others of the company, until the full number of directors be completed.

At annual meet-
ings of com-
pany, directors
to be chosen by
ballot.

XI. When and so often as any director named or elected by virtue of this Act shall die, or shall resign, or shall become disqualified or incompetent to act as such director, before his term of office shall have expired, it shall be lawful for the remaining directors to elect some other proprietor, duly qualified to fill up such vacancy.

Death, &c., of
directors how
provided for.

XII. If from neglect or any other cause, the said annual general meeting should not be held, the directors last chosen shall continue to act, and have the same power that they had and were possessed of, until the next annual general meeting, or until new directors shall be chosen or appointed as aforesaid.

In case of omis-
sion to hold an-
nual general
meeting, how to
proceed.

Code of by-laws
to be drawn up.

XIII. The directors who shall first be chosen under the provisions of this Act, shall, with all convenient speed, proceed to draw up a code of by-laws, rules and regulations for the government of the said company, and the conduct and management of its affairs and business, and shall submit the same, to be altered, amended and confirmed by a committee selected and appointed at the first general meeting, or some other meeting of the said company, to superintend the same; and it shall be lawful for the said company, from time to time, and as often as may be deemed necessary, for the purpose of carrying on the business of the said corporation, to sell further shares therein; and every purchaser of such shares shall be entitled to all the privileges and advantages of other shareholders in the said company.

Company to sell
further shares.

Directors when
and how autho-
rized to borrow
money on mort-
gage.

XIV. That the directors of the said corporation shall be authorized and empowered at any time, by and with the consent of two thirds of the shareholders, to be given in writing at any general or special meeting, regularly convened, and not otherwise, to borrow on mortgage of the property belonging to the said corporation, such sums of money as may be required for the use thereof, or absolutely to sell and dispose of the real estate and property of the said company, if deemed expedient; and the said directors are hereby authorized to convey in mortgage any lands or real estate of the said corporation for the purpose of securing the moneys so to be borrowed as aforesaid; or in case of an absolute sale of the said real estate, or any part thereof, to grant and convey the same, and to make the necessary deeds and conveyances for that purpose.

Directors may
sell real estate.

Proviso.

XV. Provided always, That nothing herein contained shall be held or construed to give the said company the privilege of dealing in the lending of money by way of discount or otherwise, or of engaging in any banking operation whatsoever, or to effect any insurance upon any ship or vessel, or marine risk, or upon any loss by fire, or upon any life or lives.

CAP. XI.

12 Vic. c. 21.

An Act to amend the Royal Agricultural society incorporation Act.

[Passed May 10, 1854.]

Preamble.

WHEREAS it is deemed necessary to amend that part of the Act of the twelfth Victoria, chapter twenty-one, which requires that all descriptions of stock imported by the Royal Agricultural society into this Island shall be divided between the several counties so far as to authorize the central

society to retain any sheep imported by it in its own possession, for the purpose of breeding therefrom improved stock for distribution throughout the Island, by which means it will be enabled to supply a larger number of superior animals to the different sections of the country, than can be supplied under the present system, thereby also avoiding the risk of heavy losses upon repeated importations of such stock:

I. Be it therefore enacted, by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding any thing in the ninth section of the Act passed in the twelfth year of the reign of her present Majesty, intituled "An Act to incorporate the Royal Agricultural society of Prince Edward Island," to the contrary, it shall be lawful for the committee of the Royal Agricultural society for the time being, when and as often as any sheep may be imported by the said society into this Island, to keep and retain the same in their possession, and under their own control and management, for the purpose of breeding therefrom pure or improved stock for distribution throughout the different counties in this Island; and it shall be the duty of the said Royal Agricultural society, or the committee thereof, to cause the whole of the pure stock, being the increase of such imported sheep, to be fairly and equally divided, from time to time, so that each county shall receive a fair and equal proportion thereof; such division or distribution to be made at such times, and when and as often as the animals are of such respective ages as the said committee may deem best suited to the interests of the country; and such increase shall be sold, let or disposed of within the different counties, in such places and under such rules, regulations and conditions as the said society may find expedient and necessary to impose and make for the preservation of the animals, and the keeping them within the limits of the districts to which they may be respectively assigned.

Society may retain imported sheep under their control for the purpose of breeding.

Increase of such imported sheep how to be disposed of.

CAP. XII.

An Act to enable the minister, churchwardens and vestry of the Episcopal church at Saint Eleanor's, to exchange lands held by them for other lands.

[Passed May 10, 1854.]

BE it enacted by the Lieutenant Governor, Council and Assembly:

I. That the minister, churchwardens and vestry of the Episcopal Church of England, as established by law at Saint Eleanor's, and incorporated under the provisions of the Act of the third year of the reign of his late Majesty King William

Corporation of St. Eleanor's Episcopal church hereby empowered to exchange lands

Deeds of exchange to be valid in law.

the Fourth, chapter twenty, shall have power, and they are hereby empowered to exchange any lands now held by them at Saint Eleanor's, in their corporate capacity, for any other land or lands at Saint Eleanor's, provided it shall meet with the approval of any public meeting of the congregation of the said church, to be convened or holden as in the said Act of the third year of William the Fourth, chapter twenty, is mentioned and ordained; and every deed of exchange, or conveyance thereof for the purpose of exchange, executed by the minister, churchwardens and vestry of the said church, or a majority of them, elected and chosen as in the said Act pointed out, and under their hands and seals, shall be valid and sufficient in law to convey to the grantee, releasee or donee respectively in perpetuity, or otherwise according to the nature of the estate intended to be exchanged and conveyed, all such estate and interest therein, as in any such minister, churchwardens and vestry of the said church, in their corporate capacity, may now have or are entitled unto, in or out of the same, or as they lawfully can, by such deed or conveyance respectively vest in the grantee, donee or releasee therein named.

CAP. XVI.

Amended by 22
Vic. c. 16; and
see 5 W. 4, c. 5.

An Act for the incorporation of certain bodies connected with the Wesleyan Methodist Church in Prince Edward Island.

[Passed May 10, 1854.]

Preamble.

WHEREAS a large number of persons in Prince Edward Island are associated together in classes, societies and congregations, constituting a religious community, known by the name of "The Wesleyan Methodist Church," under the pastoral care and direction of ministers of God's word, in connection with the yearly conference of the people called Methodists, held at London, Leeds, Bristol or elsewhere in England, as known by a certain deed poll or instrument in writing, under the hand and seal of the Reverend John Wesley, (formerly of Lincoln College, Oxford) Clerk, bearing date the twenty-eighth day of February, one thousand seven hundred and eighty-four, and enrolled in the high Court of Chancery, on the ninth day of March, in the year aforesaid, the ministers and lay members of which church are governed and directed by the rules and usages made or sanctioned from time to time by the conference; and whereas for the beneficial and general exercise of pastoral supervision and the effectual administration of the discipline of the church, the Island or parts thereof occupied by such ministers is from time to time divided into convenient sections called circuits, and the classes, societies

and congregations within each circuit are placed from year to year under the pastoral care of one or more of the ministers appointed to such circuit, by or by authority of the conference, and one of whom is called the Superintendent thereof; and certain persons are from time to time appointed or recognised according to such rules or usages, as trustees of chapels, or of parsonage houses, or of schoolhouses, or of burial grounds, or of other lands or property for the use of the church within the circuits respectively; and whereas for the convenient regulation of the affairs of the church, a number of circuits are associated together by authority of the conference, and each such association is called a district, and a yearly or more frequent assembly of the ministers of each district is held and called "the district meeting of ———," the business of which is generally presided over by one of the ministers, who is called the Chairman of the district, and who is appointed to his office by the conference: and whereas it is necessary that greater facilities should be enjoyed by the church for holding, possessing and using lands and property for the support of public worship, and for the propagation of Christian knowledge, and for the constituting and managing of funds and institutions for the several or general religious and benevolent objects of the church: and whereas at sundry times, lands and other property have been conveyed by devise, or by deed of gift, or by deed of bargain and sale, or by other deed or instrument, to parties named or signified in such devise, deed or instrument, in trust for the use and benefit of the church, some of which deeds, or instruments, or devises are defective, as not containing necessary directions for the appointment of successors for the trusts respectively created, or as being in other respects not accordant with such rules and usages, or as not providing for the sale or other disposition of the lands or property for the use and benefit of the church, when not required for the immediate object contemplated in such deed or instrument, from which defectiveness inconveniences have arisen, or are liable to arise, and which it is necessary to remedy, and in the future to prevent: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. Each board of trustees of any chapel, parsonage house, schoolhouse, burial ground, or other property held in trust for the use or benefit of such church, and their successors, and each board of trustees hereafter appointed for such purposes, and their successors, shall be a body corporate, having perpetual succession by the name of "the trustees of the Wesleyan Methodist chapel or burial ground," or other property, as the case may be, in the place in which the trust property shall be situated, or by such other name as is or shall be mentioned in the trust deed, or in any other act or instrument by which the

Each board of trustees of Wesleyan trust property to be a body corporate, &c.

trusts respectively are or shall be created, and shall be capable of taking, holding and possessing lands, tenements, moneys and other property heretofore conveyed, or to be hereafter conveyed for the benefit of such trusts respectively, and of suing and being sued in any of Her Majesty's courts of law or of equity, and shall have and exercise all the rights, powers and privileges incident to a body corporate, according to the laws of this Island; any thing in the statutes of Mortmain, or in any other Acts or Statutes to the contrary, notwithstanding.

Wesleyan ministers, who constituted a body corporate.

II. The Wesleyan Methodist ministers now in this Island, and being members of a district meeting, and their successors, and such ministers as shall be hereafter by authority of the conference constituted a district meeting, and their successors, shall be a body corporate, having perpetual succession, by the name of "the Wesleyan district meeting of the — district," as the case may be, and shall be capable of taking, holding and possessing lands, tenements, moneys and other property for the use and benefit of said church, or of any portion thereof, or for the establishment of any funds or institutions which are now or may be hereafter required for the purposes of the church, or of any portion thereof, or for the purposes of the conference; and shall have authority respectively, and from time to time, to make laws and regulations for the management of such funds and institutions not at variance with the laws of this Island, and of suing and being sued in any of Her Majesty's courts of law or of equity; and shall have and exercise all the rights, powers and privileges incident to a body corporate, according to the laws of this Island; any thing in the Statutes of Mortmain, or any other acts or statutes to the contrary, notwithstanding: and lands and other property that have been or shall be given, granted or devised for the use or benefit of the church, or any of its institutions, shall be held to be vested in the district meeting corporation, or to be vested in special trust under the other corporate authority hereby created accordingly, as by the known and established general rules or usages of the church they ought to be subjected to the management of the one trust or the other.

Liabilities and privileges.

Provision in case of lands, &c., given or devised to church where there is a want of or defect in trustees.

III. Where, in any case, lands, tenements, moneys, or other property, or any right or interest therein, or use thereof, has been or shall be given or conveyed, or intended to be given or conveyed by grant or devise or otherwise, for the use or benefit of said church, or of any portion thereof, and no proper provisions have been or be made for the appointment of trustees, or of successors in the trust, or such provisions have been or be made as are not in accordance with such rules and usages, or a vacancy or vacancies in the trust have been or shall be occasioned by death or otherwise, and shall not have been duly filled by the appointment of a successor or

successors, before the passing of this Act, in any such case now existing, or which shall hereafter arise, the superintendent of the circuit in which such trust existed, or if the property be in a place not under the charge of a superintendent, then the chairman of the district shall, as soon as convenient, appoint, or cause to be appointed, the requisite number of trustees, or of successors to the former trustees; and the trustees so appointed, and their successors, shall be the lawful trustees of the trusts respectively, and shall have and exercise all the rights and privileges pertaining to such trustees, with the corporate privileges conferred, or intended to be conferred on trustees by this Act, and when in any place where lands have been or shall be held in trust by or for the use of the members of the said church for a chapel, school, parsonage house or other purpose, there shall be no remaining Wesleyan Methodist Society, and it shall be impracticable to fill up vacancies in the trust in the manner specified in the deed, the chairman of the district shall have authority to appoint successors to the trust, being members of the said church, who shall have authority, with the consent of the conference, to sell or otherwise dispose of the said lands and their appurtenances, and to apply the proceeds thereof, after the payment of any debts due thereon, to the erection of chapels, schools or parsonage houses in such other parts of this Island as the conference or district meeting shall direct.

Rights and privileges of trustees so to be appointed.

IV. The trustees and district meetings hereby incorporated or authorized to be incorporated, and their successors, shall hold and exercise the rights, powers and privileges connected with their respective trusts, in accordance with the rules and usages from time to time passed or established by or by authority of the conference.

Power of trustees and district meetings.

V. The trustees of any lands held or to be held for a chapel or burial ground, or parsonage house, or schoolhouse, or other building, for the use of such church, or any portion thereof, shall keep a book of records, in which shall be entered the appointment of any successor or successors in the trust; and the person or persons so appointed shall be entitled, in connection with the then surviving or remaining trustees, to hold and possess the lands and all the appurtenances thereof, on the tenure vested in the original trustees, without any deed of conveyance or assignment being made to them; any provision in the original trust deed, or in any Act, statute or instrument to the contrary notwithstanding; and the production of such entry in the book of records, or an authenticated copy thereof, or other sufficient proof thereof, shall be sufficient evidence of the appointment of such successor or successors in any of Her Majesty's courts of law or of equity, and of his or their possession of coordinate rights and privileges with the other trustees from the time of his or their appointment.

Trustees, &c. to keep a book of records.

Successor, may hold lands, &c. without any deed of conveyance.

Where and when the powers, &c. of this Act shall vest in general conference.

VI. If at any time after the passing of this Act a conference of Wesleyan ministers shall, by authority of the conference hereinbefore mentioned, be organized in this Island, or in any of the adjacent provinces, with ecclesiastical jurisdiction over the Wesleyan ministers and societies in this Island, then all the rights, powers and privileges by this Act granted to the district meeting or district meetings shall be thenceforward vested in the conference so organized; and the lands, tenements, moneys or other property at such time held by the district meeting or district meetings shall be vested in the conference so organized, for the same use and benefit for which they shall have been received and held by the district meeting or district meetings.

Construction of words "rules and usages" in this Act.

VII. After the organization of such conference, the words "rules and usages" in this Act shall be held to refer to and include such rules and usages as shall thenceforward be made or sanctioned by the conference so organized.

Limits value of lands to be held by any board of trustees.

VIII. The annual value of lands held by any board of trustees incorporated hereunder shall not exceed, at any time, two hundred pounds, exclusive of lands held for chapels, schoolhouses, parsonage houses and burial grounds.

Like when held by district meeting.

IX. The annual value of lands in this Island to be held by any district meeting or conference incorporated hereunder, shall not exceed at any time the sum of two thousand pounds.

PRIVATE AND LOCAL ACTS.

ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

CAP. X.

An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of Prince Edward Island. Amended by
19 Vic. c. 11.

[Passed April 17, 1855.]

WHEREAS the establishment of a public Bank at Charlottetown will be greatly advantageous to trade and commerce, and otherwise advance the interests of Prince Edward Island, by increasing the circulating medium of business, and promoting a more extensive and beneficial employment of the resources and industry of all classes of its inhabitants: and whereas several persons have now associated themselves for the purpose of forming such an institution, and have applied for an Act of incorporation for the same: Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows: James Duncan, James Peake, Henry Haszard, John Longworth, John Thomas Thomas, Richard Heartz, Joseph Macdonald, Patrick Walker, Daniel Davies, William B. Dean, Donald MacIsaac, George Beer the younger, Charles Palmer, Theophilus Desbrisay, Ralph Brecken, John C. MacDonald, Wellington Nelson, John Gainsford, Christopher B. Smith, John Kenny, Pierce Gaul, Charles Stewart, John A. MacDonald, Henry Stamper, John MacGill, Dennis Reddin, Charles Welsh and John Rigg, their associates, successors, or assigns be, and the same are hereby declared to be, a body corporate by the name of "The Presi-

James Duncan
and others,
their successors
&c. united into
a company and
body corporate.

Name and powers of corporation.

dent, directors and company of the Bank of Prince Edward Island," and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents, in fee simple or otherwise, and also goods and chattels, and all other things, real, personal or mixed, and also to give, grant, let or assign the same, or any part thereof, and to do and execute all other things in and about the same, as they shall think necessary for the benefit of the said corporation; and also, that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court or courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and being impleaded, answering and of being answered unto, and also that they shall have one common seal, to serve for the ensembling all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things, touching and concerning the said corporation, and also that they, the said president, directors and company, or the major part of them, shall, from time to time, and at all times, have full power, authority and license to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said corporation; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws or statutes of this Island.

Capital stock of company to be £30,000.

II. The capital stock of the said corporation shall consist of current gold and silver coins of this Island, to the amount of thirty thousand pounds; the sum of fifteen thousand pounds, one half part thereof, to be paid in current gold and silver coins of this Island within one year from the passing of this Act, and a further sum of fifteen thousand pounds within two years from the passing of this Act; the whole amount of the said stock to be divided into shares of ten pounds each, making in the whole three thousand shares. The said corporation shall have full power and authority to take, receive, hold, possess and enjoy, in fee simple, any lands, tenements, real estate and rents, to any amount not exceeding three thousand pounds: provided nevertheless, that nothing herein contained shall prevent or restrain the said corporation from taking or holding real estate to any amount whatsoever by mortgage taken as collateral security for the payment of any sum or sums of money, advanced by or debts due to the corporation: provided further, that the said corporation shall

Shares to be £10 each.

on no account lend money upon mortgage or upon lands or other fixed property, nor shall such be purchased by the said corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said corporation in the course of its dealings.

III. Whenever six hundred shares of the said capital stock shall have been subscribed, a general meeting of the members and stockholders of the said corporation, or the major part of them, shall take place by notice in the *Royal Gazette* newspaper fourteen days previous to such meeting, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations for the good management of the affairs of the said corporation as the members and stockholders of the said corporation shall deem necessary, and also for the purpose of choosing seven directors, being stockholders and members of the said corporation, under and in pursuance of the rules and regulations hereinafter made and provided, which directors so chosen shall serve until the first annual meeting for choice of directors; and shall have full power and authority to manage the affairs of the said corporation; and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the members and stockholders of the said corporation, or the major part of them, shall determine the amount of payments to be made in each share, also the mode of transferring and disposing of the stock and profits thereof, which, being entered in the books of the said corporation, and approved of by the Lieutenant Governor and Council, shall be binding on the said stockholders, their successors and assigns.

When 600 shares of capital stock shall have been subscribed, company to meet to make by-laws, &c.

Authority of such directors.

Mode of transferring shares, &c.

IV. There shall be a general meeting of the stockholders and members of the said corporation, to be annually holden on the first Tuesday in March, in each and every year at Charlottetown, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said corporation, seven directors, who shall continue in office for one year, or until others are chosen in their room; in the choice of which directors the stockholders and members of the said corporation shall vote according to the rules hereinafter mentioned; and the directors when chosen, shall, at their first meeting after their election, choose out of their number a president.

Annual general meeting of stockholders on 1st Tuesday in March at Charlottetown.

V. The directors for the time being shall have power to appoint such officers, clerks and servants, as they or the major part of them shall think necessary, for executing the business of the said corporation, and shall allow them such compensation for their respective services as to them shall appear rea-

Directors to appoint clerks, officers and servants, &c.

sonable and proper; all which, together with the expense of buildings, house rent, and all other contingencies, shall be defrayed out of the funds of the corporation; and the said directors shall likewise exercise such powers and authority for the well regulating the affairs of the said corporation as shall be prescribed by the by-laws and regulations of the same.

Number of directors required to constitute a board for the transaction of business.

VI. Not less than four directors shall constitute a board for the transaction of business, of which the president shall always be one, except in the case of sickness or necessary absence, in which case the directors present may choose one of their board as chairman in his stead. The president shall vote at the board as a director; and in case of there being an equal number of votes for and against any question before them, the president shall have a casting vote: provided always, that no note or bill offered for discount at the said bank shall be refused or excluded by a single vote.

Compensation to president and directors, how ascertained.

VII. The president and directors shall be entitled to such compensation for their respective services as the stockholders and members shall deem reasonable and proper.

Who eligible to be directors.

VIII. No person shall be eligible as a director unless such person is a stockholder, and holding not less than twenty-five shares of the capital stock of the said corporation: provided always, that the stockholder so otherwise qualified be not a director in any other banking company in this Island.

Security to be given by cashier and clerks.

IX. Every cashier and clerk of the said corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved of by the directors, in such sums as the directors shall deem adequate to the trusts respectively reposed in them.

Number of votes allowed to each stockholder.

X. The number of votes which each stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say: for one share, and not more than two shares, one vote; for every two shares above two shares, and not exceeding twelve, one vote, making six votes for twelve shares; for every three shares above twelve and not exceeding thirty, one vote, making twelve votes for thirty shares; and for every five shares above thirty shares, one vote; provided the number of fifteen votes shall be the greatest that any stockholder shall be entitled to.

Vote by proxy when and how allowed, &c.

XI. All stockholders resident within this Island or elsewhere may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act; provided that no stockholder be entitled to hold more than three proxies.

XII. No member of the said corporation, during the first three months to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than forty shares of the said capital stock; and if the whole of the said capital stock shall not have been subscribed within the said three months, so to be accounted as aforesaid, that then and in such cases, it shall be lawful for any stockholder or stockholders to increase his or their subscriptions to eighty shares; provided always, that no stockholder shall be permitted to hold more than one hundred shares in the whole, unless the same be acquired by purchase after the said bank shall have commenced its operations; and provided also, that no stockholder in the said bank at any one time shall hold more than twenty *per centum* of the capital stock.

No member to be entitled to hold more than 40 shares during first three months after passing of this Act.

XIII. The directors are, and they are hereby authorized, to fill up any vacancy that shall be occasioned in the board, by the death, resignation, or absence from the Island for three months of any of its members; but that in the case of the removal of a director by the stockholders for misconduct or maladministration, his place shall be filled up by the said stockholders, and the person so chosen by the directors or the stockholders shall serve, until the next succeeding annual meeting of the stockholders.

Vacancies in board of directors how filled up.

XIV. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, thirty days' previous notice shall be given by the directors in the *Royal Gazette* newspaper published in this Island, of the time and place of payment; and the directors shall commence with the business and operations of the bank of the said corporation; provided always, that no bank bill or bank note shall be issued or put in circulation, nor any bill or note be discounted at the said bank, until the said sum of fifteen thousand pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said bank.

Thirty days' notice to be given by directors for payment of instalments on shares

No bank note to be issued or discounts made until £15,000 paid in.

XV. As soon as the sum of fifteen thousand pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said bank, the president shall give notice thereof to the secretary of the Island, for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, who is hereby authorized, by and with the advice of Her Majesty's Executive Council, to appoint three commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of the directors that half the amount of the capital hath been paid in by the stockholders towards payment of their respective shares, and not for any other purpose; and that it is in-

When £15,000 in specie shall have been paid in, notice thereof is to be given to Colonial Secretary for information of Lieutenant Governor, &c.

tended to have it there remain as part of the capital stock of the said bank; which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second section of this Act, when paying in the capital stock of the said bank.

Shares to be assignable.

Person making transfer to discharge all debts due from him to corporation.

XVI. The shares or capital stock shall be assignable or transferable, according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or efficient, unless such assignment or transfer shall be entered and registered in a book to be kept by the directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable, to the said corporation; in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; and whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said bank to any other person or persons whatever, such stockholder shall cease to be a member of the said corporation.

Company only to deal in bills of exchange, gold, silver, bullion, &c.

Appropriation of proceeds of sale.

XVII. The said company shall not directly or indirectly deal in any thing excepting bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed, which said goods and stock so pledged shall be sold by the said corporation at public sale, at any time not less than thirty days after the period for redemption; and if upon such sale of goods or stock, there shall be a surplus after deducting the money lent, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

Form and effect of bank notes, bills, &c., to be issued.

Proviso.

XIX.* Every bond, bank bill or bank note, or other instrument, by the terms or effect of which the said corporation may be charged or held liable for the payment of money, shall especially declare in such form as the board of directors shall prescribe, that payment shall be made out of the joint funds of the said corporation; provided, nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the nineteenth† section of this Act.

Debts of corporation (except deposits) not to exceed three times the amount of capital stock paid in.

XX. The total amounts of the debts (deposits excepted), which the said corporation shall at any time owe, whether by bond, bill or note, or other contract whatsoever, shall not exceed three times the amount of the capital stock actually paid in by the stockholders; and in case of any excess, the directors,

* The 18th Section of this act has been repealed by 19th Vic., cap. 11., Sec. 3.

† This reference is corrected by 19th Vic., cap. 11., and is made to apply to the 2d Section of that Act.

under whose administration and management the same shall happen, shall be liable for such excess, in their individual and private capacities; provided always, that the lands, tenements, goods and chattels of the said corporation shall also be liable for such excess.

XXI. The directors shall make half yearly dividends of all profits, rents, premiums and interest of the said corporation, payable at such time and place as the directors shall appoint, of which they shall give thirty days' notice in the *Royal Gazette* newspaper published in this Island.

Half yearly dividends of profits, &c., to be made and notice thereof to be published

XXII. The books, papers, correspondence and funds of the said corporation shall, at all times, be subject to the inspection of the directors; but no stockholder, not a director, shall inspect the account of any individual with the said corporation.

Books, &c., of corporation subject to inspection of directors.

XXIII. All the bills or notes issued by the said corporation shall be signed by the president for the time being, and countersigned and attested by the cashier; and shall be printed and made on steel plates; and all bills and notes so signed and countersigned shall be binding on the said corporation, and payable in specie at the said bank; provided, that no notes shall be issued by the said corporation for a sum less than five shillings.

Bills and notes by whom to be signed, countersigned, &c.

XXIV. The said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of the said bank, which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

Liability of corporation.

XXV. No person shall issue or circulate as a bank note or currency, any bill, note or undertaking of a private individual, for the payment of money, struck from any plate of metal, or engraved or printed, unless authorized by law or royal charter, under the penalty of five pounds for each offence, one half of the said penalty to be paid to the prosecutor, and the residue into the treasury of this Island for the use of Her Majesty's Government.

Restriction of circulation of Banks Notes.

XXVI. The said bank shall be kept and established in the City of Charlottetown, or at such other place as the board of directors may think it necessary to remove the said bank, on account of any great emergency, for the security thereof.

Where bank is to be kept.

XXVII. The directors shall, at the general meeting to be held on the first Tuesday in March in every year, lay before the stockholders for their information an exact and particular statement of the amount of debts due to and by the said corporation, the amount of bank notes then in circulation, the amount of gold and silver in hand, and the amount of such

Directors to lay before the stockholders a statement of the affairs of the corporation

Statement to be transmitted to Colonial Secretary.

debts as are in their opinion bad or doubtful, also the surplus or profits (if any) remaining, after deduction of losses and provisions for dividends; which statement shall be signed by the directors and attested by the cashier, and a duplicate statement so signed and attested, shall be transmitted to the Colonial Secretary of this Island, for the information of the Lieutenant Governor or Administrator, of the Government for the time being and the Legislature: provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being directors, to inspect the account of any individual or individuals with the said corporation.

No loan on pledge of bank stock.

XXVIII. No loan shall be made by the said Bank on the pledge of its own stock.

Committee of Council and Assembly to have free access to books, &c.

XXIX. Any joint committee hereafter to be appointed by the honorable the Legislative Council and House of Assembly, for the purpose of examining into the proceedings of the said corporation, shall, either during the session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

Twelve shareholders or more owning 600 shares may call general meeting.

XXX. Any number of stockholders, not less than twelve, who together shall be proprietors of six hundred shares, shall have power at any time by themselves or their proxies, to call a general meeting of the stockholders, for purposes relating to the business of the said corporation, giving at least thirty days' previous notice in the *Royal Gazette* newspaper published in this Island, and specifying in such notice the time and place of such meeting, with the objects thereof; and the directors, or any four of them, shall have the like power at any time, by observing the like formalities, to call a general meeting as aforesaid.

On dissolution of corporation directors to take measures to close concerns of company, &c.

XXXI. On any dissolution of the said corporation, immediate and effectual measures shall be taken by the directors then in office for closing all the concerns of the said corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests; and in case any bills issued by the said corporation shall remain unpaid, the holders of stock in the said corporation, as well as those who were stockholders at the time of the notice of the said dissolution, which said notice shall be published in the *Royal Gazette* twelve months previous to the said corporation being allowed to carry the same into effect, shall be chargeable in their private and individual capacity for the payment and redemption thereof, in proportion to the stock they respectively held or hold, subject, however, to the proviso mentioned in the nineteenth section of this Act: pro-

vided, however, that this liability shall continue for two years only from and after the notice of such dissolution.

XXXII. The aggregate of all the debts due to the said bank from the directors thereof, as principals, endorsers, or sureties, shall not at any one time exceed twenty *per centum* of the capital stock.

Limits amount of debts due to bank by directors.

XXXIII. The cashier of the said Bank shall, semiannually, that is to say, on the first Tuesday in March, and the first Tuesday in September in each and every year, make a return in triplicate, of the state of the said Bank, as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Colonial Secretary of the said Island; which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein, and the said return shall be made in the following form:

Cashier of the bank, semiannually, to make return in triplicate of the state thereof, &c.

FORM OF RETURN.

State of the on the day of 18 Form of return.
3 o'clock, p. m.

DUE FROM BANK.

Bills in circulation,
Net profits on hand,
Balances due to other Banks,
Cash deposited, including all sums whatever due from the Bank, not bearing interest, its bills in circulation, profits and balances due to other Banks excepted,
Cash deposited bearing interest,
Total amount due from Bank.

RESOURCES OF THE BANK :

Gold, silver and other coined metals in its banking house,
Real estate,
Bills of other banks incorporated in this Island,
Balances due from other banks,
Amounts of all debts due, including notes, bills of exchange, and all stock and funded debts of every description, except the balances due from other banks,
Total amount of the resources of the bank,
Rate and amount of the last dividend, and when declared,
Amount of reserved profits at the time of declaring the last dividend,
Amount of debts due and not paid, and considered doubtful,

Return to be signed by cashier and verified on oath, &c.

which return shall be signed by the cashier of said bank, who shall make oath or affirmation before some magistrate, qualified to administer oaths, to the truth of said returns, according to the best of his knowledge and belief; and the cashier of the said bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders and the amount of stock owned by each; and a majority of the directors of the said bank shall certify and make oath or affirmation before the same magistrate as the said cashier, that the books of the said bank indicate the state of facts so returned by their cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Colonial Secretary annually to lay before the Legislature of this Island, as soon after the opening of any session thereof as practicable, one of such respective returns as he may have received since the then last previous session.

Colonial Secretary to lay cashier's return annually before the Legislature.

Delinquent list to be made up on every discount day.

XXXIV. The cashier, or acting cashier for the time being, shall, on each and every discount day, furnish a true list to the president or chairman of the said bank, of all delinquent promisers, accepters, endorsers and sureties, made up to three o'clock on the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the president or chairman on each and every discount day, as aforesaid, to read the name or names contained in such delinquent sheet to the board of directors; and in case the name of any director shall appear in such delinquent sheet, either as promiser, accepter, endorser or surety, it is hereby declared illegal for such director to sit at the board, to take any part in the management of the affairs of the said bank, during the continuance of such delinquency.

Director continuing a delinquent for 90 days, to cease to be a director.

XXXV. In the event of any director continuing a delinquent as aforesaid, for ninety consecutive days at any one time, such continued delinquency shall disqualify such director from holding his seat; and it shall be the duty of the president and other directors forthwith to proceed in filling up the vacancy, in the manner prescribed in the fourteenth* section of this Act, as in the case of death or absence from the Island.

No suit to be maintained on any note, &c., before payment has been refused.

XXXVI. No action shall be brought or maintained upon any bank bill or bank note, which shall be issued by the said corporation, before such bill or note shall have been presented at the bank for payment, and default in payment shall thereupon take place.

Shares in bank &c. to be deemed personal estate.

XXXVII. All and every the shares in the capital stock of the said bank, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the

* By the 19th Vic. cap. 11, sec. 4, the word "thirteenth" is substituted here for the word "fourteenth."

nature of, and shall be personal estate, and transmissible as such accordingly.

XXXVIII. The shares in the capital stock of the said bank shall be liable to be seized and taken in execution, and sold in like manner with other personal property: provided always, that the sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the sheriff or his deputy, with the cashier of the said bank; and the shares in the capital stock of the said bank so liable to such execution, shall be deemed to be seized in execution, when such copy is so left, and the sale shall be made within thirty days after such seizure, and on production of a bill of sale from the sheriff, the cashier of the said bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof; and such transfer shall be valid and effectual, notwithstanding there may be any debt due to the said bank from the person or persons whose shares shall be seized and sold: provided also, that the said cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such sheriff or other officer, a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution; and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the cashier.

Shares in capital stock liable to be seized and sold like other personal property.

Proviso.

XXXIX. And in case it should hereafter be found necessary at any time after the payment in, and certificate of such first mentioned capital, and within seven years from the time of passing this Act, to increase the capital stock of the said bank, the same may be effected by resolution of the directors, or the major part of them for the time being, sanctioned and approved of by a majority of the votes of the shareholders present in person or by proxy, at a general meeting, convened after special notice of the same and its intended object; such additional capital stock may be raised by the issue of additional shares, severally of the value before mentioned: provided that the whole of such additional stock shall not exceed thirty thousand pounds, thereby making the utmost amount of capital stock of the said bank sixty thousand pounds, and in the whole six thousand shares.

Increase of capital stock allowed if hereafter found necessary.

Mode of effecting same.

Additional stock not to exceed £30,000

XL. Such additional shares shall be sold at public auction, in separate lots of five shares each, as follows, that is to say: five thousand pounds, making five hundred shares, at such time as the directors shall appoint; and the residue of such increased additional capital at such times as the directors may from time to time determine, but not less than five thousand pounds to be sold at any one time.

Additional shares to be sold at public auction, &c.

Directors to give 30 days' notice of sale of increased stock

XLII. The said directors shall give at least thirty days' notice of the time of sale of any such increased stock, in the *Royal Gazette* newspaper published in Charlottetown, in which notice shall be specified the time when such additional stock, with the advance or premium thereof, will be required to be paid into the said bank.

Premium or advance realized on sale of additional shares, how divided and disposed of.

XLIII. The whole of such advance or premium, if any, first deducting the charges of sale, shall be divided into equal proportions among the shares in the stock of such bank, as well the old as the new stock, and such dividend of the said premium shall be declared and paid by the directors immediately after the payment into the bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock sold as aforesaid, when the directors, or a majority of them, together with the cashier of the said bank, shall have signed and verified, by oath, and filed in the office of the Secretary of this Island, a certificate, that such amount of capital stock at any time called in has actually been paid into the said bank, in current gold and silver coins in this Island, and not before.

Additional shares to be subject to same rules, &c., as original stock.

XLIII. The said additional shares shall be subject to all the rules, regulations and provisions to which the original stock is subject, or may hereafter be subject, by any law of this Island.

Suspension of specie payment for 90 days, to cause forfeiture of privileges, &c.

XLIV. Suspension of specie payments, on demand at the bank of the said corporation, for ninety days within any one year, either consecutively or at intervals, or other breach of the provisions herein contained, upon which the said corporation is empowered to issue and circulate promissory notes, shall cause a forfeiture of the privileges herein contained; and the said privileges shall cease and determine upon such forfeitures, as if the period for which this Act has been passed had expired.

Continuance of Act.

XLV. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy-six.

Suspending clause.

XLVI. Nothing in this Act contained shall have any force or effect until her Majesty's assent thereto shall be signified, and notification thereof shall have been published in the *Royal Gazette* newspaper of this Island.

* * * This Act received the royal allowance on the 30th January, 1856, and notification thereof was published in the *Royal Gazette* newspaper of this Island on the 28th of February of the same year.

CAP. XIV.

An Act to prevent the running at large of swine within the town and royalty of Princetown.

[Passed April 17, 1855.]

WHEREAS it is deemed expedient to prevent the going at large of swine within the town and royalty of Princetown:

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, as follows: The Commissioner of highways for the district in which Princetown and royalty are situate is hereby required and directed to appoint four fit and proper persons, on or before the first day of April, in each succeeding year, to act as hog reeves within the said town and royalty; and whose duty it shall be to seize and take up any swine going at large as aforesaid, or on the same being shewn or pointed out to any or either of the said hog reeves so appointed, it shall and may be lawful for any of the said hog reeves to seize and take up, or cause to be seized and taken up, all swine found at large in Princetown and royalty, and to sell and dispose of the same at public auction; and all persons in any way or manner obstructing the said hog reeves in the execution of their duty, shall forfeit and pay a fine not exceeding two pounds, and not less than five shillings; such fine to be recovered on the oath of any such hog reeve, or of one or more credible witness or witnesses, before one or more of her Majesty's Justices of the Peace or Commissioners of small debts, and to be levied, on default of payment, by warrant of distress on the goods and chattels of the offender or offenders; and if no such goods and chattels can be found whereon to levy such fines, the said Justice or Justices, or Commissioner of small debts, shall commit the said person or persons liable to such fine for so obstructing such hog reeve as aforesaid, to the county jail, for a period not exceeding ten days.

Commissioner of highways for district including Princetown &c., to appoint hog reeves for such town, &c.

Penalty on person obstructing hog reeves in execution of duty.

II. Any person so to be appointed hog reeve within the said town and royalty, and who shall refuse to, or neglect to perform the duties of his office in not taking up all swine going at large as aforesaid within the said town or royalty, or in not disposing of the same in manner therein prescribed, shall forfeit and pay for every such neglect or refusal the sum of twenty shillings, to be recovered in manner last aforesaid: provided always, that no person appointed hog reeve as aforesaid shall be liable to serve as such more than once in every three years.

Penalty on person appointed hog reeve refusing or neglecting to perform duties of his office, &c.

III. One half of the fine imposed by the first section of this Act shall be paid to the hog reeve or hog reeves suing

Appropriation of fines imposed by this Act.

for the same, and the residue, together with the other fines imposed by this Act, shall be paid to the commissioner of highways for the district, and shall by him be applied towards the opening of streets and keeping in repair the streets and roads in the said town and royalty.

Continuance
of Act.

IV. This Act shall continue and be in force for ten years, and from thence to the end of the then next session of the General Assembly, and no longer.

CAP. XXV.

An Act to incorporate the Charlottetown Mechanics' institute.

[Passed April 17, 1855.]

When 10 persons or more shall become a corporate body by the name of the "Charlottetown Mechanics' Institute."

BE it enacted by the Lieutenant Governor, Council and Assembly, that whenever ten persons or more shall raise ten pounds *per annum*, or upwards, to be applied for the purpose of disseminating a knowledge of the arts and sciences, and of general literature, of establishing a library, and of procuring apparatus to illustrate lectures, they shall thereupon become a corporate body, by the name of the "Charlottetown Mechanics' Institute," with all the privileges and obligations conferred by the Acts of the fifteenth year of her present Majesty Queen Victoria, chapters fourteen and fifteen; and such privileges shall continue only so long as there are ten members or more in the institute, and they shall raise annually the sum of ten pounds at the least, and apply it for the purposes aforesaid.

CAP. XXX.

An Act to continue an Act to prevent the running at large of hogs within the town, common and royalty of Charlottetown.

[Passed April 17, 1855.]

10 V. c. 7.

Continues 10
Vic. c. 7, for
10 years, &c.

BE it enacted by the Lieutenant Governor, Council and Assembly, that an Act made and passed in the tenth year of the reign of her present Majesty, intituled "An Act to prevent the running at large of hogs within the town, common and royalty of Charlottetown," shall be, and the same is hereby continued for ten years from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly and no longer.

* * * This Act has been repealed by virtue of a law of the City council of Charlottetown, passed under the powers vested in said corporation by Act 18th Vic. c. 34, sec. 37, so far as it relates to the town and common.

CAP. XXXII.

An Act to naturalize James Searle Mann.

[Passed April 17, 1855.]

WHEREAS James Searle Mann intends taking up his permanent residence or domicile within this Colony, and is therefore desirous of being naturalized, and has given satisfactory assurance, that he is willing to assume all the duties and responsibilities which may attach to him in the character of a good and faithful subject of our Lady the Queen:—

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that he, the said James Searle Mann, so soon after the passing of this Act as he shall take and subscribe the oath of allegiance to her Majesty Queen Victoria and her successors, in manner prescribed in and by this Act, shall, within the limits of this Island, be and become, and be held and adjudged to be, a naturalized subject of her Majesty, entitled to all the rights and privileges of such subjects as fully as the same rights and privileges can or may be conferred by the Legislature of this Island, and under or by virtue of the Act of the Imperial Parliament, passed in the tenth and eleventh years of her Majesty's reign, intituled "An Act for the naturalization of aliens."

After taking oath of allegiance, &c. James Searle Mann to become a naturalized subject.

II. The said James Searle Mann shall take and subscribe in duplicate the oath of allegiance before a Judge of the Supreme Court, in open Court, who shall attest the same.

Oath of allegiance to be subscribed, &c.

III. One copy of the oath shall be filed by the officer of the Court, who shall receive therefor, and for making the duplicate, the sum of five shillings; and he shall forthwith transmit the duplicate, certified under his hand and seal of the Court, to be filed in the Colonial Secretary's office.

Copy of oath to be filed by the officer of the Court, &c.

IV. The officer shall also give a certificate under his hand and the seal of the Court, that the oath of allegiance has been taken, which certificate shall be evidence of its contents, and therefor he shall be entitled to the sum of five shillings.

Certificate of oath to be given under seal of the Court, &c.

V. Nothing in this Act contained shall be of any force or effect until her Majesty's pleasure therein shall be known.

Suspending clause.

* * * This Act received the royal allowance on the 19th October, 1855, and notification thereof was published in the *Royal Gazette* newspaper of this Island on the 15th November, 1855.

CAP. XXXIV.

Amended by 19
Vic. c. 18, and
24 Vic. c. 15.

An Act to incorporate the town of Charlottetown.

[Passed April 17, 1855.]

Incorporates
inhabitants, &c
of Charlotte-
town and Com-
mon under
name of "City
of Charlotte-
town."

WHEREAS, for the better protection, care and management of the local interests of the inhabitants of the town of Charlottetown, and for its municipal government and improvement, it is expedient that the said town be incorporated: Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly as follows, that is to say:

General powers
of corporation.

I. That the inhabitants of the said town of Charlottetown and common, and their successors, inhabitants of the same, from and after the passing of this Act, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by and under the name, style and title of the "City of Charlottetown," and as such shall have perpetual succession and a common seal, with power to break, renew and alter the same at pleasure; and shall be capable of suing and being sued, and of impleading and being impleaded, in all courts of law and equity, and other places, in all manner of causes, actions and matters whatsoever; and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, movable and immovable estates; and of granting, selling, alienating, assigning, demising and conveying the same; and of entering into, and becoming a party to contracts, and of granting and accepting any bills, bonds, judgments, or other instruments or securities for the payment, or securing of the payment, of any money borrowed or lent, or for the performance, or securing the performance, of any other duty, matter or thing whatever; and to do and execute all acts, and possess and enjoy all powers and immunities incident to such a corporation, or which may be for the benefit and advantage thereof, subject to the regulations hereinafter provided.

City divided
into five wards.
Extent, &c. of
wards.

II. For the purposes of this Act the said city of Charlottetown shall be, and hereby is divided into five wards, to be called respectively the first, second, third, fourth and fifth wards; and which said wards shall be divided, bounded and limited as follows, that is to say: number one shall comprise all that part of Charlottetown which lies south of Dorchester street; number two shall comprise all that part of Charlottetown which lies south of Richmond street, and north of Dorchester street; number three shall comprise all that part of Charlottetown which lies south of Grafton street, and north of Richmond street; number four shall comprise all that part of Charlottetown which lies south of Fitzroy street, and north of Grafton street; number five shall comprise all that part of Charlottetown which lies north of Fitzroy street, including the common of the said town.

III. The administration of the fiscal, prudential, and municipal affairs, and the government of the said city, shall be vested in one principal officer, who shall be and be styled the Mayor of the City of Charlottetown, and ten persons who shall be and be styled Common Councilmen of the City of Charlottetown, to be severally elected as hereinafter provided; and such Mayor and Common Councilmen for the time being shall be, and be called the Council of the said city; and all by-laws made by the said city council shall express to be enacted by the city council of the city of Charlottetown.

Administration of city affairs, &c. to be vested in Mayor and ten common councilmen.

IV. The City Council shall annually elect and choose for the said city from persons possessing similar qualifications to the common councilmen, three persons to be called the Assessors for the said city.

City Council to elect annually three assessors for the city.

V. The first election, after the passing of this Act, of the Mayor and Common Councilmen of the said corporation, shall be conducted and made in manner following; that is to say: the sheriff of the county of Queen's County, by himself and his sufficient deputy or deputies by him named for that purpose, shall, within twenty days after the passing of this Act, appoint a day and place for the election of a Mayor for the said city, and two persons to serve in the City Council for each ward, whereof he shall give notice in the public newspapers published in Charlottetown, and by advertisements in the several wards for ten days previous thereto, and shall, agreeably to such notice, conduct such election; and all the male inhabitants of the age of twenty-one years and upwards, who shall have resided in the said city for at least one year then next preceding, and being British subjects, and each of whom shall actually and within the ward for which he shall vote, then be and for two months previously shall have been, actually and in his own right *bona fide* owner of the freehold of one whole town lot, common lot, water lot; or the *bona fide* owner of a piece of ground of the yearly value of five pounds; or the *bona fide* owner of the freehold of a dwelling house, part of a dwelling house, store, warehouse, office or shop, of the yearly value of five pounds; or who shall be in the tenancy or occupancy of a town lot, common lot, water lot, or piece of ground, dwelling house, part of a dwelling house, shop or warehouse, of the annual rent of five pounds, payable quarterly, half yearly, or yearly; and no other person shall be entitled to vote at said elections for such Mayor and Councilmen in the said wards respectively; and that the sheriff, in case no scrutiny be demanded, shall immediately return to the office of the Secretary of the Island the names of the persons having the majority of votes at the said election of Mayor and Common Councilmen; and the said Secretary, by the authority of his Excellency the Lieu-

Manner in which the first election under this Act of Mayor and Councilmen is to be made.

Qualification of voters.

Sheriff to return to Secretary's office the names of persons having the majority of votes.

Expenses of first election to be paid out of the city funds.

Oath to be taken by persons whose right to vote is questioned.

Form of oath.

Presiding officer to read over qualification to elector before administering oath.

How scrutiny to be conducted and determined

No vote to be scrutinized except those marked as sworn.

tenant Governor or Administrator of the Government for the time being, shall cause the said return to be published in the next *Royal Gazette*; and the persons so returned by the sheriff as having the majority of votes shall be deemed and held the Mayor of the City and the Councillors for the said wards respectively; and all the necessary expenses incurred for holding the said first election of Mayor and Common Councilmen shall be paid out of the city funds: provided always, that all the said first elections of the Mayor and Councillors shall take place on the same day and hour in all the several wards; and the said first election of Mayor and Councillors shall be conducted by open voting in public, in manner practised in the election of members of the Assembly; and that any person whose right to vote thereat shall be questioned at the time of offering his vote, shall take the following oath before the presiding officer, who shall receive or take down his vote, which oath the presiding officer is hereby authorized to administer, that is to say: "I do solemnly swear that I have resided in the city of Charlottetown for one year now next preceding, and that I am of the age of twenty-one years, and am a British subject, and am duly qualified to vote at this election within this ward;" and the presiding officer, before administering the said oath, shall distinctly read over the qualification required by this Act for every such person so claiming to vote, to such person so claiming, and also shall mark every such oath as having been sworn on his book; and provided that the said elections shall continue open not longer than one day; and shall be closed at five o'clock in the afternoon, unless previously closed by proclamation, when a vote shall not have been polled for an hour; and the presiding officer shall, at the close of each election, declare the majorities; and in case any person who had voted at the same election shall then publicly demand a scrutiny of the election of the Mayor, or of any one or more of the said Councillors, the presiding officer shall note such demand in his book, and every such scrutiny, if persevered in, shall be finally determined by the judgment of the Mayor and Councillors elect, whose elections are not disputed, and who shall have power to hear witnesses on oath, and if the Mayor's election be disputed or contested, or in the absence of the Mayor, to appoint a chairman, with right to vote, and if need be, give a casting vote; and if any of the said Councillors shall not attend, the remainder of the Councillors shall act; but if three cannot be procured, then the said high sheriff, associated with any two of them, or any two of the other presiding officers, shall hear and determine such scrutiny as aforesaid: provided that no vote shall be scrutinized but those marked as having been sworn, and that such scrutiny or scrutines shall be proceeded in on the day next after the close of the said elections, and thenceforth day by day, Sundays, Good

Friday and Christmas day excepted, until all the said scruti-
 nies in rotation, if more than one, shall be determined, no one
 scrutiny being allowed to engage more than two days, and the
 Sheriff shall immediately, on the close of all the said scruti-
 nies, make return to the Secretary's office of all the said elec-
 tions as aforesaid, and shall therein be governed by the deci-
 sions made on the said scrutines; and the said return shall be
 published, and the farther proceedings hereinbefore provided
 shall hereafter be had, as in cases where no scrutiny occurred.

No scrutiny to
 engage more
 than two days.

VI. On the first Tuesday in August, in the year of our
 Lord one thousand eight hundred and fifty-six, and on the
 same day in every succeeding year, five of the councillors shall
 go out of office, one being for each ward, according to the rule
 hereinafter contained and prescribed; provided that at the last
 quarterly meeting next before the said first Tuesday in August,
 in the year of our Lord one thousand eight hundred and fifty-
 six, the Mayor and councillors shall determine by lot which
 shall go out of office for that year; but thenceforward in all
 future years those persons who shall have been councillors the
 longest without reelection shall vacate their seats, and in all
 cases of doubt the Mayor and councillors shall determine by
 lot who shall vacate his seat for that year.

Five council-
 lers to go out of
 office annually.

Regulations for
 determining
 which of the
 councillors
 shall so vacate
 their seats, &c.

VII. The Mayor, councillors and assessors shall, before en-
 tering on the duties of their offices respectively, be sworn by
 taking and subscribing the oath of allegiance and oath of
 office; and such oath shall be administered to the councillors
 and assessors by the Mayor, being himself first sworn as afore-
 said before one of the Judges of the Supreme Court, and a
 certificate of such oaths having been taken shall be entered by
 the City Clerk on the City minutes, and the said oaths of office
 shall be in the following form:

Mayor, council-
 lers, &c., to take
 oaths of allegi-
 ance & of office.

"I, *A. B.*, do swear, that I am duly qualified, as required
 by law, for the office of _____ to which I have now
 been elected or appointed, and that I am seized or possessed,
 for my own use, of freehold (or leasehold estate, or both,) in
 the City of Charlottetown, over and above all legally recorded
 incumbrances, of the value of _____ and have paid all
 rates and taxes therefor to the amount of _____ (as the
 office may be), and that I have not fraudulently or collusively
 obtained the same, or a title to the same, for the purpose of
 qualifying myself to be appointed or elected to the said office,
 or any other office in the said City; and I do swear that I will
 diligently, faithfully and impartially, and to the best of my
 ability, discharge the several duties which appertain to the
 said office of _____ while I hold the same.

Form of oaths
 of office.

"So help me God;"

and into which oaths shall be filled in the foregoing blanks,

How blanks in form of oath to be filled up, &c.

before being sworn to, the title of office, and the amount or value and description of the qualification of the officer taking the oath as required by this Act.

No person in holy orders &c. qualified to be elected Mayor or a Councillor.

VIII. No person being in holy orders or being a minister or teacher, duly licensed by any denomination of Christians in this colony, shall be qualified to be elected Mayor or a Councillor of the said city, nor shall any one be qualified to be elected Mayor of the said city who shall not be seized or possessed of freehold or leasehold property, or both, situate in the said city, of the value of five hundred pounds, over and above all legally recorded incumbrances; nor shall any person be qualified to be elected a Councillor of the said city who shall not be seized or possessed of freehold or leasehold property, or both, situate in the said city, to the amount of two hundred pounds, over and above all legally recorded incumbrances, or who shall not be in the possession, use or occupation of premises in the city, of the yearly rent of, or assessed at forty pounds *per annum*; nor during such time as such person shall hold any office or place of profit in the gift or disposal of the said Council, or during such time as he shall have directly or indirectly, by himself or his partner, any share or interest in any contract or employment with or on behalf of the Council: provided that no person shall be disqualified from being a Councillor as aforesaid, by reason of his being a proprietor or shareholder of any company which shall contract with the Council for lighting or supplying with water or insuring against fire any part of the said city.

Qualification of Councillor.

Person holding any office in the gift of the Council cannot be a councillor, &c.

Mayor and Councillors to be chosen by a majority of votes of persons qualified.

IX. The Mayor and Councillors of the said city of Charlottetown, at the periods hereinafter appointed, shall be chosen by the majority of votes of such persons only as shall be qualified in the terms of this Act, as hereinbefore prescribed: provided always, that when and so soon as any rate or rates, assessment or assessments, shall be made by and under the authority of this Act, no inhabitant of the said City shall be entitled to vote at the election of Mayor or Councilmen, as aforesaid, unless he shall have been rated to, and in respect of the rates or assessments laid as aforesaid; and shall have paid all his rates and assessments, which fall due one month before the time of such election, of which payment the evidence shall be the receipt of the city Treasurer, produced at the time of voting, and then lodged with the returning officer at any such election.

When Mayor and Councillors are to be elected.

X. On the first Tuesday in August, which will be in the year of our Lord one thousand eight hundred and fifty-six, and on the same day in every succeeding year, the inhabitants of the said city, and persons qualified to vote as aforesaid, shall openly assemble in the several wards aforesaid, and elect,

from the persons qualified as this Act requires, a Mayor for the said city, and such and so many fit and proper persons to be City Councillors, for each of such wards respectively, or so many as shall be required to supply the places of those who shall then go out of office; and the Mayor in office at the time of such election shall remain in office, until another be elected in his stead, or until himself be reelected.

XI. The election of a Mayor and Councillors, to be had as aforesaid, on the first Tuesday in August, which will be in the year of our Lord one thousand eight hundred and fifty-six, and all subsequent elections of a Mayor and Councillors to be had under the provisions of this Act shall, after notice as hereinbefore prescribed in regard to the past elections, be held at convenient places in the said several wards of the said city, and shall respectively be held by and before such of the Councillors of the said city as may be appointed by the Mayor of the said city for the time being, or, in case of vacancy in the office of the Mayor, by the Councillors of the said city.

Election to be held at convenient places in the several wards.

XII. At all elections of a mayor and councillors as aforesaid, the poll shall be opened at nine o'clock in the forenoon, and shall continue open till five o'clock in the afternoon of the same day; and the name of each elector voting at such election shall be written in poll lists, under appropriate heads, to be kept at such election by the officer or person holding the same; and after finally closing the poll at any such election, the officer or person by whom the same shall be held, shall forthwith proceed publicly to declare the number of votes given for each candidate or person for whom votes shall have been taken, and shall declare the person or persons, having the majority of votes in his or their favor, to be duly elected as aforesaid; and if there should be, at the final closing of the poll, as aforesaid, an equal number of votes polled for two or more persons, it shall be lawful for the officer or person holding such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them, and determine the election; and the poll list kept at such election shall, by the officers or persons holding the same, be delivered within three days after the conclusion of every such election, to the clerk of the city, to remain in his office, where they shall be open to inspection by any elector on the payment of a fee of one shilling; provided that, in case of a scrutiny being demanded, every such scrutiny, if persevered in, shall be finally determined by the city council, by the judgment of the Mayor and Councillors elect, or any three of them whose elections are not disputed, and who shall have power to hear witnesses on oath; and in the event of the Mayor's election being disputed, or in the absence

Hour of opening and closing poll at election.

How scrutiny, if demanded and persevered in, is to be conducted and determined.

of the Mayor then in office, to appoint a chairman, with right to vote, and if need be, to give a casting vote; provided that no vote shall be scrutinized but those marked as having been sworn, and that such scrutiny or scrutines shall be proceeded in on the day next after the close of the said elections, and thenceforth, day by day without intermission (Sundays, Christmas day and Good Friday excepted), until all the said scrutines, in rotation, if more than one, shall be determined; no one scrutiny being allowed to engage more than two days; and provided also, that the returning officer shall, in the case of all after the first election, make the same returns to the City Council, as is hereinbefore directed to be made by the sheriff to the Secretary's office in the case of the first election, and the City Council shall thereupon in every case publish such returns immediately thereafter.

Returning officer to make return to city Council of all elections after the first election.

Presiding officer empowered to preserve order, &c., and suppress tumults, &c.

Presiding officer to have powers of a Justice of the Peace.

Imprisonment of offenders not to exceed 48 hours after close of proceedings, &c.

Persons may vote in every ward in which they are qualified.

Person desirous of voting, may be sworn to qualification, &c.

XIII. It shall be the duty of the presiding officer, at any ward meeting for the election of officers, or for any other purpose, now or hereafter to be appointed, and they shall, and are hereby declared to have full power and authority to preserve order and decorum, and to suppress all riotous, tumultuous and disorderly conduct therein; and for that purpose to call to his aid any constable or other peace officer, and also, to command the aid and assistance of any person or persons who may be present; and any peace officer or other person neglecting or refusing to afford such assistance shall be taken and deemed to be guilty of a misdemeanor; and such presiding officer shall, for the time being, have the power and authority of a Justice of the Peace, and shall have authority to cause any person or persons who shall be guilty of any riotous, tumultuous, or disorderly conduct at any such meeting, to be taken into custody and committed to jail; provided, however, that such imprisonment or restraint shall not at any time continue more than forty-eight hours after the adjournment or dissolution of such meeting; and provided further that the person so guilty of such disorderly conduct shall be liable, notwithstanding such restraint, to be prosecuted and punished in the same manner as if such arrest had not been made.

XIV. Persons entitled to vote at the election of a Mayor and Councillors, as aforesaid, shall and may vote in any and every ward in which they may respectively be qualified.

XV. Every person desirous of voting at any election of a Mayor or Councillors, shall, before he be permitted to vote, if required by the candidate, or his representative, make oath to the particulars of his qualification, and that he has not before voted at such election in manner hereinbefore provided; which oath the officer or person holding such election is hereby au-

thorized and required to administer, and which oath shall be in the form following, that is to say:—

“I, *A. B.*, do solemnly swear, that I am a British subject; that I have resided in this City for one year now next preceding, and am qualified by law to vote at this election, and have not voted before at this election within this ward. Form of oath.

“So help me God.”

And in every case the presiding officer shall note in the poll book that the voter was sworn, and which of the said qualifications, and the nature of the tenure he swore to. Presiding officer to note oath, &c., in poll book.

XVI. If any person shall knowingly swear falsely as to any of the particulars of his alleged qualification, or if he shall knowingly swear falsely in taking any or either of the oaths prescribed by this Act, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by law in cases of wilful and corrupt perjury. Persons who shall knowingly swear falsely in taking any oath under this Act, guilty of perjury, &c.

XVII. All officers of the City who, by the provisions of this Act, shall go out of office, shall be capable of immediate reelection, if then qualified as required by this Act. City officers going out of office may be reelected, &c.

XVIII. If, at any such election of a Councillor or Councillors, as aforesaid, any person shall be elected a Councillor for more than one ward of the said City, he shall, within three days after notice thereof, make his option, or on his default the Mayor of the said City shall declare for which of the said wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that ward, and in no other; and another election shall thereupon be held in the ward, for which such person shall not elect to serve, as in other cases of extraordinary vacancies. Person elected Councillor for more than one ward to make his option within three days, or Mayor to declare for which ward he shall serve.

XIX. On the second Tuesday of August, in the year of our Lord one thousand eight hundred and fifty-five, and in every succeeding year, or as soon thereafter as the returns of the Mayor and members elect shall be complete, the Mayor and members of the said Council shall elect, from persons qualified to be common councilmen, by a majority of votes, two persons who shall be called auditors of the said City of Charlottetown, whose duties shall be defined by the by-laws of the said corporation; and every such auditor shall continue in office until the second Monday in August, in the year following his election; provided always, that no member of the said council, nor the clerk, nor the Mayor of the said City, shall be capable of being elected an auditor as aforesaid. On 2d Tuesday in August, annually, &c., Mayor and Councillors to elect two Auditors.

Period during which auditors are to continue in office.

XX. If an extraordinary vacancy shall occur in the office of Mayor or Councillor of the said City, after the first election of such officers to be had as aforesaid, the persons qualified to vote shall, on a day to be fixed by the Mayor or a majority of How extraordinary vacancies in the office of Mayor or Councillor are to be filled up, &c.

the Councilmen (such day not being later than ten days after such vacancy), elect from the persons qualified to fill such office another person duly qualified to fill such vacancy; and such election shall be held, and the voting and other proceedings be conducted in the same manner, and subject to the same provisions, as are hereinbefore enacted with respect to the elections of the like officers to be had as aforesaid; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been chosen would, in the ordinary course, have gone out of office, when he shall go out of office.

How long the person elected, is to hold office.

Person elected Mayor or Councillor, &c., refusing to serve, to pay a fine as follows:

Councillor, £5.

Auditor or assessor, £5.

Mayor, £20.

Mode of recovering fines, &c.

Acceptance of office to be by taking oath of allegiance, &c.

What persons are exempt.

Claim for exemption to be made within 5 days after notice of election.

XXI. Every person duly qualified, who shall be elected or appointed to the office of Mayor, Councillor, auditor or assessor of the said city, shall accept the office to which he shall have been so elected or appointed, or shall, in default thereof, pay to the treasurer of the said city, to and for the use of the said city, a fine as follows, that is to say: for the nonacceptance of the office of a Councillor, a fine of five pounds; for nonacceptance of the office of auditor or assessor, a fine of five pounds; and for nonacceptance of the office of Mayor, a fine of twenty pounds; and the election to any of the said offices shall be held *prima facie* evidence of qualification on the part of the person appointed, unless such person shall make oath before the Mayor, who is hereby authorized to administer such oath, that he is not possessed of the qualification for the office required by this Act, in some particular or particulars, to be stated in such oath; and every such fine, if not duly paid, shall be levied under the authority of the warrant of any Justice of the Peace having jurisdiction within the said city, who is hereby required, on the application of the said Council of the said city, to issue the same by distress and sale of the goods and chattels of the person so refusing to accept such office, with the reasonable charges of such distress; and every person so elected shall accept such office by taking the oath of allegiance and oath of office hereinbefore mentioned, within two days after the notice of his election; and in default thereof shall be liable to pay the fine aforesaid for his nonacceptance of such office, and such office shall thereupon be deemed to be vacant, and shall be filled up by a new election, to be made in the manner hereinbefore prescribed; provided always, that no person disabled by lunacy or imbecility of mind shall be liable to such fine as aforesaid; and provided also, that any person so elected to any such office, who shall be above the age of sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office, within five years next preceding the day on which he shall be so reelected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within five days after notice of his election; and

provided also, that no military, naval or marine officer in her Majesty's service, in full pay, nor the members of the Legislature of this Island, nor the members of the Executive Council, nor the Surveyor General, the Adjutant General of the Militia, the Colonial Secretary, clerks in public, civil or military departments, the Postmaster General and his deputies, custom house officers, the sheriffs and coroners, the clerks and commissioned officers of the Legislative and of the Executive Council, practising attorneys and schoolmasters, shall be held or bound to accept of any such office as aforesaid, or any other office in the said city.

XXII. If any person holding the office of Mayor or Councillor shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or shall compound by deed with his creditors; or, being Mayor, shall be absent from the said city for more than two calendar months, or being a Councillor, for more than three months at one and the same time, unless in case of illness, then and in every such case, such person shall immediately become disqualified, and shall cease to hold the office of Mayor or Councillor as aforesaid; and in case of such absence, shall be liable to the same fine, as if he had refused to accept such office, unless such absence be by leave first obtained from the City Council.

What acts shall disqualify person holding office of mayor or councillor, &c. from continuing therein.

XXIII. The said Mayor and Councillors for the time being shall, during their continuance in such office, be and be deemed, within the limits of the said corporation, Justices to keep the peace in and for the said city, and shall have, use and exercise the same and the like powers and authorities as if they were nominated and commissioned Justices of the Peace in and for the said city; provided they shall first take and subscribe the oaths by law required for Justices of the Peace; and provided, nothing in this Act contained shall be construed to give them authority as Justices of the Peace over the county or beyond the said limits; and provided also, that nothing herein contained shall be construed to affect the jurisdiction without the limits of the said city of Justices of the Peace for the County of Queen's County, now or hereafter to be appointed, except as hereinafter excepted.

Mayor and councillors within limits of corporation, empowered to act as Justices of the Peace, &c.

XXIV. There shall be paid from and out of the moneys belonging to the said city to the said Mayor for the time being, in lieu of all fees and perquisites, a salary not exceeding one hundred pounds currency *per annum*.

Mayor's salary.

XXV. It shall be lawful for the said Council of the said city, from time to time, as occasion may require, to appoint a fit and proper person, not being a member of the Council,

City Council to appoint a clerk and other officers.

to be Clerk of the said city ; and another fit and proper person, not being a member of the said Council, and not being city Clerk, to be Treasurer of the said city ; a city Marshal, or high Constable of the said city, and one or more Constables for each ward, and which said city Marshal, or high constable, and constables respectively, shall be duly sworn before the Mayor to the due execution of the duties of their office, and have all the power and authority vested by law in any constable of the county of Queen's County ; one or more fit person or persons, not being of the Council, to be clerk or clerks of the markets of the said city, harbour master, wharfinger or wharfingers of the public wharfs, and one surveyor of highways, streets or bridges ; and one or more collectors of rates for said city ; one or more poundkeeper or poundkeepers for said city ; and such other officers as they may think necessary to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such officer and appoint another in his place ; and the said Council shall take such security for the due execution of the offices of city clerk, treasurer, or other officer, as they shall think proper, and shall and may grant and order in each and every year to the City clerk or other officers to be appointed as aforesaid, such salary, allowance, or other compensation for their services as they may think fit ; provided that no person shall be capable of acting as city treasurer until he shall have been sworn before the Mayor faithfully to perform the duties of his office, as hereinbefore prescribed, or until he shall have executed a bond to the City of Charlottetown, with two sufficient sureties, to be approved by the City Council, in such sum as the Council shall prescribe, conditioned for the faithful performance of the duties of his office, in such form as the Mayor may approve, or any by-law require.

Their powers,
&c.

Council also to
appoint clerks
of the markets,
&c.

No person to
act as city trea-
surer until he
has been duly
sworn, &c.

Treasurer not
to disburse mo-
neys, except on
written order
of mayor, &c.

Treasurer to
receive all rates
&c.

Clerk, treasu-
rer, and other

XXVI. The Treasurer of the said city shall not pay any moneys in his hand, as such treasurer, otherwise than upon an order in writing of the Council of the said city, signed by the Mayor, or in his absence, by the presiding Councillor, and countersigned by the Clerk of the city.

XXVII. The said city treasurer shall receive all rates, taxes and assessments which shall be levied or imposed upon, or payable by the inhabitants of the said city, and shall be entitled to receive such compensation, by way of salary or commission, as the Council of the said City shall from time to time allow.

XXVIII. The Clerk, Treasurer, and other officers of the said city, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and

also within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing of all matters committed to their charge, by virtue or in pursuance of this Act, and also of all moneys which shall have been by them respectively received, by virtue or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments; and every such officer shall pay all such moneys as shall remain due from him to the treasurer for the time being, or to such person as the said Council shall authorize to receive the same; and if any such officer shall refuse, or wilfully neglect to deliver such account, or the voucher relating to the same, or to make payment as aforesaid; or shall refuse or wilfully neglect to deliver to the said Council, or to such person as they shall authorize to receive the same, within three days after being thereunto required by the said Council, all books, documents, papers and writings in his custody or power as such officer aforesaid; then and in every such case, on complaint made on behalf of said Council by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the County wherein such officer shall reside or be, such Justice of the Peace shall be, and hereby is authorized and required to issue a warrant under his hand and seal for bringing any such officer before any two Justices of the Peace for such County; and upon the said officer not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any moneys remain due from such officer, such Justices may, and they are hereby authorized and required, on nonpayment thereof, by warrant under their hands and seals, to cause such moneys to be levied by distress and sale of the goods and chattels of such officer; and if sufficient goods and chattels shall not be found to satisfy the said moneys and charges of distress, or if it shall appear to such Justices that such officer has refused, or wilfully neglected to deliver such account, or the vouchers relating thereto, or that any books, documents, papers or writings, which were or are in the custody or power of such officer, in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then and in every such case such Justices shall, and they are hereby required, to commit such offender to the common jail or house of correction for the County or district where such offender shall reside or be, there to remain without bail, until he shall have paid such moneys as aforesaid, or shall have made satisfaction to the said Council, or until he shall have delivered up such books,

officers to account to the Council, &c.

Mode of proceeding when officer refuses to account or to pay over moneys, &c., when required, &c.

If it appears that any moneys remain in officer's hands Justices may issue their warrant to levy same on his goods, &c.

No person to be imprisoned more than 3 months.

documents, papers and writings, or have given satisfaction in respect thereof to the said Council; provided always, that no person so committed shall be detained in prison for want of sufficient distress only, for a longer space of time than three calendar months; provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officers so offending as aforesaid, or against any surety for any such officer.

Treasurer to keep account books, &c.

XXIX. The Treasurer of the said city shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid as such treasurer, and of the several matters for which such sums shall have been received and paid; and the books containing the said accounts shall, at all reasonable times, be open to the inspection of the Mayor or any of the Councillors of the said City; and all the accounts of the said treasurer, with all vouchers and papers relating thereto, shall, in the months of January and July in every year, be submitted by such treasurer to the auditor elected for the said city as aforesaid, and to such member of the said Council as the Mayor of the said city shall name on the first Monday in January in every year, or in case of any extraordinary vacancy of office, within ten days next after such vacancy, for the purpose of being examined and audited, from the first Monday in January in the year preceding, to the first Monday in July, and from the first Monday of July to the first Monday in January, in the year in which the said auditor shall have been elected and named; and if the said accounts shall have been found to be correct, the said auditor shall certify the same to be so; and after the said accounts shall have been so examined and audited in the month of January and July in every year, the treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate payers of the said city, applying for the same, on payment of a reasonable price for each copy.

City auditor and a member of the Council, to examine and audit treasurer's accounts.

After audit, treasurer to make out an abstract of his account for the year, and have same printed.

Majority of members of Council present to determine questions before them.

XXX. In all meetings of the said Council, to be held in pursuance of this Act, the majority of the members present at such meetings shall determine all questions and matters submitted to, or under the consideration of the said Council; provided that the number present at the said meetings be not less than one half part of the entire number of councillors composing the said Council; and at all such meetings, the Mayor of the said city shall preside; and in case of his absence, such Councillor as the members of the Council so assembled shall choose to be chairman of any such meeting, shall preside at the same, and in case of an equality of votes, the Mayor or chairman presiding shall have a casting vote.

XXXI. There shall be in each year four quarterly meetings of the said Council, which shall be held on such days in each and every year as shall be provided by any by-law in that behalf; and the said meetings shall not at any one time be held for a longer period than three successive days, in which Sunday, Christmas and Good Friday shall not be included.

Council to meet quarterly, on days appointed by any by-law.

XXXII. It shall be lawful for the Mayor of the said city to call a special meeting of the said Council when and as often as he may deem it proper, after three days' previous notice thereof; and in case the said Mayor shall refuse to call any such meeting, after a requisition for that purpose signed by three or more members of the said Council, it shall be lawful for such three or more members to call a meeting of the said Council after three days' previous notice, which notice shall specify the business for which the proposed meeting is to be held, and shall be signed by the members; and in all cases of such special meetings as aforesaid, a summons to attend the Council, specifying the business to be transacted at such meetings, and signed by the City Clerk, shall be left at the usual place of abode of every member of the said Council, at least three days before such meetings.

Mayor may call special meeting of Council, after three days' notice.

Notice of meeting to specify business for which it is to be held, &c.

XXXIII. The minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a book, to be kept for that purpose, and shall be signed by the Mayor or Councillor presiding at such meetings; and the said minutes shall be open to the inspection of all persons qualified to vote at the election of councillors, on payment of a fee of one shilling; and the said meetings shall be held with open doors.

Minutes of meetings to be entered in a book, &c.

XXXIV. It shall be lawful for the said Council to appoint, from and out of the members composing such council, such and so many committees, consisting of such number of persons as they may think fit, for the better transaction of the business before such Council, and for the discharge of such duties within the scope of their powers as may, by the said council, be prescribed; but subject in all things to the approval, authority and control of the said Council.

Council may appoint committees of its members for the better transaction of its business.

XXXV. The said City Council, in addition to the powers specially conferred in this Act, of making by-laws for the good government of the said city, and the other powers incident thereto, by the provisions of this Act, shall, in the manner hereinafter mentioned, have full power and authority, from time to time, to make, ordain, revise, alter, amend, administer and enforce such laws as they may deem proper for the several purposes following, that is to say:—

City Council, besides making by-laws for government of the city, &c., may make and alter and enforce laws, &c. for various other purposes, viz:

Regulation of
market days
& markets, &c.

First—To regulate and manage the market or markets, and to establish and regulate market days and fairs; to regulate the place and manner of selling and weighing butchers' meat, hay, staw, fodder, wood, lumber and fish; to restrain and regulate the purchase and manner of selling of all vegetables, fruit, country produce, poultry, and all other articles and things, or animals exposed for sale, or marketed in the open air; to restrain and regulate the purchase of any such things by hucksters and runners, living within the city; to regulate the measurement, length and weight of coal, lime, boards, and other lumber, shingles, laths, cordwood and other fuel, and to impose penalties for light weight or short count or measurement in any thing marketed; to have the exclusive right of regulating weights and measures in the markets, and within the said city, according to the lawful standard; and to seize and destroy such as are not according to the standard; to regulate all the vehicles, vessels, and other things in which anything may be exposed for sale or marketed in any street or public place; to seize and destroy all tainted and unwholesome meat, poultry, fish, or articles of food.

Weights and
measures.

Loading, &c.,
of vessels; col-
lecting dues for
wharfage, &c.

Secondly—To regulate the loading and unloading of vessels and other craft arriving at the said city; to impose and collect such reasonable dues thereon as may be necessary; to regulate and provide for the erection and rent of wharfs, piers, quays, and docks in the said city, and the tolls or wharfage to be paid for vessels or steamboats touching thereat; and to prevent the filling up or encumbering the Hillsborough river or harbor of Charlottetown, opposite the said city, or impeding the free navigation thereof; and to regulate the ferries connected with the said city; provided always, that nothing herein contained shall be held or construed to authorize or empower the said city Council to take possession of, grant, sell, transfer or alienate any part or portions of the shores or strand of the river bounding the said city, and extending to low water mark.

Assize of
Bread, &c.

Thirdly—To regulate the assize of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate carters, waggoners and cartmen, the price to be paid them for hauling loads in the said city, and the quantity comprising a load.

To enforce ob-
servance of
Sabbath, and
prevent vice,
&c.

Fourthly—To enforce the due observance of the Sabbath; to prevent vice, immorality and indecency in the streets and other public places; and to preserve peace, health and good order; and for the prevention or spread of infectious or other diseases; to prevent the excessive beating or cruel and inhuman treatment of animals; to prevent the sale of any intoxicating drink to children, apprentices or servants, without the consent of their legal protectors; to impose penalties on the

keepers of low tipping houses, visited by dissolute and disorderly characters, where spirituous liquors are not sold by license; to license, regulate or prevent billiard tables, bowling alleys, or other places of amusement; to restrain or suppress gambling houses, and to enter into them, and to seize and destroy *rouge et noir* and roulette tables and other devices for gambling; to restrain and punish all vagrants, drunkards, mendicants and street beggars; to restrain or regulate the licensing of all exhibitions of natural or artificial curiosities, theatres, circuses, or other shows or exhibitions for hire or profit, and preserve order and quiet thereat.

Fifthly—To establish and regulate one or more pounds, and the fees to be taken thereat; and to restrain and regulate the running at large of horses, cattle, swine, goats, sheep, dogs, geese and poultry, and to impound the same; to impose a tax on owners or harborers of dogs; to regulate and prevent dogs running at large, and to kill such as are found running at large contrary to law, after public notice given; to abate and cause to be removed all public nuisances; to regulate the construction of privy vaults; to cause vacant lots in central situations, when they become nuisances, to be properly enclosed; to regulate and prevent the erection or continuance of slaughter houses, lime kilns, or other manufactories or trades which may prove to be nuisances, shouting and other unusual noises in the streets and public places; to prevent the injuring or destroying of trees, planted within any of the streets or public grounds of the said city; to prevent immoderate riding or driving; to prevent or regulate bathing in the Hillsborough, or any public waters in or near the city.

Establish pounds, &c.

To abate, &c. nuisances, &c.

Sixthly—To regulate and license owners of livery stables, or other owners of horses or carriages, letting out the same for hire or profit, carters, porters, butchers or hucksters.

Regulate and license livery stables, &c.

Seventhly—To establish and regulate a police for the said city; to regulate and license victualling houses, and houses of entertainment where spirituous liquors are not sold, within the limits of the said city; and to provide for the proper keeping of any house of refuge, hospital, workhouse, bridewell, or house of correction that may be erected in the said city.

Establish and regulate police, &c.

Eighthly—To establish, erect and preserve, and regulate public cisterns, reservoirs, or other conveniences for the supply of good and wholesome water, or for the extinguishing of fires, and to make reasonable charge for the use thereof; and to prevent the waste and fouling of public fountains, pumps and wells.

Establish public cisterns, and regulate same, &c.

Ninthly—To prevent or regulate the firing of guns or other fire arms; to prevent or regulate the firing or setting off of

To regulate firing guns, fireworks, &c.

- fire-balls, squibs, crackers or other fire-works; to prevent or regulate the keeping or transporting of gunpowder or other combustible, dangerous materials; to prevent or regulate the use of fire, lights or candles in livery or other stables, cabinet-makers' or carpenters' shops, and other combustible places; to regulate the carrying on of manufactories or trades dangerous in causing or promoting fire; and to regulate and require the safe keeping of ashes in proper deposits; to make such by-laws as they may deem requisite for the security, safety, and advantage of the inhabitants, containing rules and regulations and restrictions, to be observed by all persons in the erection of buildings to be built within the populous parts of the said city; to regulate the construction of any chimney, flue, fireplace, stove, oven, boiler, or other apparatus or thing in any house, manufactory or business, which may be dangerous in causing or promoting fire; to enforce the proper cleaning or sweeping of chimneys; to require the inhabitants of the said city to provide so many fire buckets, and such manner and time as they shall prescribe; and to regulate the examination of them, and the use of them at fires; to regulate the conduct and enforce the assistance of the inhabitants at fires, and the preservation of property thereat; to make regulation for the suppression of fires, and the pulling down or demolishing of adjacent houses, and remunerating the owners thereof; to compel the owners of houses to have ladders leading to, and on the roofs of such houses; to purchase fire engines, and to establish and regulate fire, hook, ladder, and property-saving companies.
- Tenthly*—To regulate the management and provide for the security of the public property of the said city of every kind; and to provide for the permanent improvement of the said city, in all matters as well ornamental as useful.
- Eleventhly*—To regulate and prescribe the duties of all officers acting under the authority of the City Council, and the penalties on their default of duty.
- Twelfthly*—For defraying out of the funds of the said city, if necessary, the expense of lighting the same or any part thereof with gas, oil, or other substances, and the performing of any kind of work required for the purpose of supplying the said city with gas, and for obliging the proprietors or occupiers of real property to allow such work to be done, and fixtures placed in or about their premises that may be necessary, such work and fixtures to be done at the expense of the city; and for the erection of all works connected therewith, or necessary to provide a supply of gas for the inhabitants of the said city; and to provide for the erection, preservation and security of lamp-posts, signboards and other fixtures, and generally to make all such laws as may be necessary and pro-
- Combustibles,
&c.
- Chimneys, &c.
- Fire buckets,
&c.
- Fire companies
&c.
- To provide for
the security of
public property
of the city.
- To prescribe
duty of city
officers, &c.
- To defray ex-
pense of light-
ing city with
gas, &c.

per for carrying into execution the powers herein or hereinafter vested in the said City Council, or any department or office therein, subject to the limitation with regard to penalties contained in the next succeeding section of this Act.

And generally to put in execution powers vested in City Council, &c.

XXXVI. It shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two thirds of the members thereof, to make such by-laws as to them shall seem meet, for the good rule, peace, welfare and government of the said City, and for raising, assessing and recovering, and applying such moneys as may be required for the execution of the powers with which the said Council is hereby invested; and for maintaining in the said City a good and efficient system of police, in such manner as they may deem necessary, either by imposing tolls and rates, to be paid in respect of any public works, or of any other matter or thing within the said City, or by means of any rate or assessment, to be assessed and levied on real or personal property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such property; or upon the sale of goods by public auction within the said City; and to impose, by such by-laws, such fines, not exceeding ten pounds, and such imprisonment, not exceeding thirty days, as they may deem proper for enforcing the same; and provided that not more money in the whole than one thousand pounds, exclusive of any tax which is now, or hereafter may be imposed for the purposes of education, shall, in any one year, be assessed or levied on, or be collected or raised from the said City by authority of the City Council; and that if, for any purpose, the City Council shall deem a larger amount to be requisite or proper, the said City Council shall make application to the Lieutenant Governor, or the Administrator of the Government for the time being, and the Executive Council of this Island, for leave to increase such amount, who shall thereon have power, by an order from time to time, on such application to be made and passed, to authorize the City Council to assess or levy on, or collect and raise from the said city, a further sum for the object and purposes expressed in the application of the City Council in that behalf; and which shall be expressed in said order not to exceed two hundred and fifty pounds additional; and provided every such application shall be passed in the City Council by a majority of the Board present on the occasion, and that the number of the members of the City Council then present, who shall have voted for such application being made, shall be at least six; and provided every such member shall have signed in the record of the said City Council's proceedings the resolution passed in favor of making such application, and shall also sign the application to be therefor made to the Governor and Council, as aforesaid;

City Council to make by-laws for government &c., of the City.

For maintaining a sufficient system of police &c.

City Council not to raise more than £1000, in any one year, by assessment.

If larger amount required, application to be made to Lt. Governor and Council, who may authorize City Council to raise a further sum not exceeding £250.

Every application for authority to make an increased assessment must be passed by a majority of the City Council.

Copy of every by-law to be transmitted to Lt. Governor, who is to have power to disallow same, &c.

All by-laws, repugnant to laws of Island to be void.

No by-law to be in force until approved of by Lt. Governor, &c.

No by-laws imposing tolls, &c. to be of any force until sanctioned by the Legislature.

Acts of Assembly now in force regulating local affairs, &c. of City, to become repealed, &c.

All moneys arising for licenses &c., payable

provided always, that a copy of every by-law, to be made by virtue of this Act, shall be transmitted with all convenient speed, after the making thereof, to the Lieutenant Governor of this Island for the time being; and it shall be lawful for the said Lieutenant Governor, by and with the advice of the Executive Council of this Island, within three months from and after the receipt of such copy, to disallow any such by-law; and such disallowance shall, without delay, be signified to the mayor of the said City, and thenceforward such by-law shall be void and of no effect: provided always, that all by-laws repugnant to any law of the land, or to any Act of the Legislature of this Island, shall be null and void; and no by-law shall have any force or effect until after the same shall have been so transmitted as aforesaid, and then approved of, or until after the expiration of the said three months, without disapproval; provided also, that no by-law or ordinance of the said City Council shall have any force or effect until the same shall be published, in such manner as the said City Council may direct, as most expedient for general information; provided always, nevertheless, that no by-law or ordinance of the said City Council, for the imposition of taxes or tolls upon any goods, produce, or any article or thing whatsoever, manufactured or unmanufactured, brought either by land or water into the said City, or for the limitation of time, place, or manner of the sale thereof, nor upon any cart, carriage, vehicle, boat or vessel, conveying or transporting the same, or used and employed in the carrying, conveying or transport thereof, shall have any force or effect until submitted to and sanctioned by the three branches of the Legislature of this Island.

XXXVII. The several Acts, and the several parts, sections and clauses of any Act or Acts of the General Assembly of this Island now in force, and in any way or manner relating to, affecting or regulating the local affairs and government of the said City, shall be, and the same are hereby declared to be severally and respectively repealed, when and so soon as the said City Council shall have made and published by-laws relating to the subject matters contained in the said Acts, or parts, sections, or clauses of the said Acts; and when and so soon as the said City Council shall have made and published by-laws in conformity with the powers and authorities granted to the said City under and by virtue of the provisions of this Act.

XXXVIII. From and after the passing of this Act all moneys payable into the treasury of this Island, for the use of her Majesty's Government, under the Act made and passed in the ninth year of the reign of her present Majesty, Queen Victoria, intituled "An Act to consolidate and amend the

several Acts regulating the sale by license of spirituous and other liquors," for or on account of any license or licenses granted to, or fines or penalties incurred by any person or persons resident within the limits of the said City, and all other moneys (excepting always such moneys as are raised and levied by virtue and authority of any Act or Acts of the said General Assembly, imposing an assessment on lands or property of any kind throughout the said Island, or by virtue of any other Act or Acts imposing any tax or burden of a general nature upon the inhabitants thereof, and save and except any tax which is now or may hereafter be imposed for the purposes of education), payable into the said treasury, as aforesaid, under any Act or Acts, or parts, sections or clauses of any Act or Acts of the General Assembly of the said Island, relating to, or regulating, or in any way or manner affecting the local matters, affairs and government of the said City, or the inhabitants thereof, or the property, real or personal, of such inhabitants, shall, from and after the passing and during the continuance of this Act, be paid by the Colonial Treasurer into the hands of the Treasurer of the said City, and shall form and become part of the funds and resources of the said City.

into treasury in respect to the city, to be paid over to City Treasurer, &c.

XXXIX. The City Council shall appoint a Recorder for the said city, being a barrister of at least three years' standing, whose duty it shall be to afford legal advice and assistance to the mayor and council of the city in the performance of their respective offices; and, when required in the business of the police or mayor's court, to attend all meetings of the city council, and to assist in hearing and determining cases before the said court, and take the charge and management of all legal business connected with the affairs of the City; to draft or revise all legal documents required by the City, and to act as counsel and attorney for the city in any suits in any court to which the corporation may be a party; and the said recorder shall hold his office during good behaviour, and shall receive a salary not exceeding one hundred pounds from the city funds, in lieu of all fees; provided that no person shall have any authority to act in, or hold the said office, until his election and appointment shall be approved by the Lieutenant Governor, and after such approval, until he shall have been sworn before the said Lieutenant Governor, or in his absence, the Chief Justice, or any other of the Justices of the Supreme Court, or the Secretary of this Island, faithfully to perform the duties of his office.

City Council may appoint a Recorder.

Duties of the Recorder.

Recorder to receive from City funds a salary not exceeding £100 per annum.

XL. All the officers of the said City shall be remunerated by fixed salaries, to be adjusted, settled and fixed, from time to time, by the said City council, and all fees of any nature or kind which may be paid to or received by any officer of the

All City officers to receive fixed salaries, settled by the Council, and pay fees

received to the City Treasurer.

said City for any act, matter or thing done by him, in virtue of such his office, shall be paid over to the City treasurer, and form part of the funds of the said City.

Lands, &c., belonging to Government, or to places of worship, &c., &c., to be exempt from taxation under this Act.

XLI. All lands, tenements, hereditaments, goods, chattels or effects, belonging to any ecclesiastical or charitable corporation, or to any church, chapel, or place of public worship, or Her Majesty, her heirs or successors, or the Provincial Government, or any department thereof; and all shares or stock of any banking or insurance company, or other joint stock company owned by any person or persons not resident in the said city, shall be exempt from taxation under the authority of this Act.

Sheriff and Coroner of Queen's County to act also for the City.

XLII. The Sheriff of the County of Queen's County, and the Coroners of the said County, shall be respectively Sheriff and Coroners of the said City.

Jail of Queen's County to be City jail.

XLIII. The common jail of the said County of Queen's shall be deemed and taken to be the common jail of the said City.

All male inhabitants between the ages of 16 and 60 years, not rated under this Act, to pay assessment of four shillings to City funds, &c.

XLIV. Every male inhabitant residing within the limits of the said City, of the age of sixteen years and upwards, and not above the age of sixty, and who shall not be otherwise rated under this Act, and who, by the present law, would be liable to perform statute labour, shall be rated and assessed in the sum of four shillings; and the said assessment hereby imposed shall be collected, levied and paid as the said City Council may direct, and shall form part of the funds of the said City; and all such persons are hereby required and directed to pay the said assessment, in lieu of the sum of five shillings imposed on such persons by the tenth section of the Act made and passed in the twelfth year of the reign of her present Majesty, intituled "An Act relating to statute labour for Charlottetown, its common and royalty, and also to nuisances in and about the same."

City Council empowered to borrow £5,000 for improvement of City, &c.

And to issue debentures to secure the repayment thereof.

Form of debentures.

XLV. The City Council shall have power to borrow the sum of five thousand pounds, for the purpose of improving the streets and squares of the said City, or for the purpose of erecting a suitable market house, or any other public building or buildings, or for any other purpose which, in the judgment of the said Council, may be deemed necessary for, or conducive to the good government and improvement of the City; and in security for the payment of the said sum of five thousand pounds, or any part or portion of the same, shall, and they are hereby authorized and empowered to issue debentures, under the hands of the Mayor and any two members of the said Council, countersigned by the City clerk, and sealed with the seal of the said City, which debentures shall be as nearly as

may be in the form of debentures now used by the Government of this Island; and be made payable to the company, firm, bank, corporation, or any person or persons from whom such money or any part thereof shall be borrowed, or to the successors, endorsers, or assigns of any such company, firm, bank, corporation, or of any other person or persons so lending the same as aforesaid, in ten years from the date of issuing such debentures, with interest thereon, to be paid half yearly, at a rate not exceeding five *per centum per annum*; which debentures and interest shall be chargeable upon all moneys raised under the authority of this Act, and shall be expressed as payable out of the general funds of the City of Charlotte-town.

To be payable in 10 years from date, with interest.

XLVI. The Lieutenant Governor and Council shall have power and authority to appoint and reserve, at any public wharf or wharfs in the said city, a berth or place for any steamer or steamers, or other vessel or vessels, which may now or hereafter be employed by the Government of this Island to carry Her Majesty's mails; and such steamer or other vessel, while lying at the said wharf, shall and may use any part of the said wharf or wharfs while landing the said mails, or while unloading or loading any part of the cargo or ballast of such steamers or vessels, or for any other purpose which may be required and deemed necessary by the said Lieutenant Governor and Council; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Lt Governor, &c., may reserve a berth for vessels carrying H. M. mails.

XLVII. All the executive powers of the corporation are hereby vested in the Mayor and Councilmen; and the Mayor and one Councillor, or in the absence of the Mayor, two Councillors shall daily attend in the public office for that purpose to be appointed, and constantly, between the hours of eleven in the forenoon and two in the afternoon, hold a Police Court for the City, and therein hear and determine every criminal offence and prosecution cognizable before one or more Justices of the Peace, and shall perform every act appertaining to the office of Justice of the Peace, necessary for the apprehension, committal, conviction and punishment of criminal offenders, and for carrying into effect the laws in force, and the laws and by-laws of the City; and also in a summary manner to hear and determine all assaults and batteries, petty trespasses and breaches of the peace, committed within the city, and riots or disturbances at city elections, and punish the offenders upon conviction, by imprisonment in the county jail, not exceeding twenty days, or by fine not exceeding in any case the sum of ten pounds, and costs of prosecution; and in case of nonpayment of the fine and costs, commit the offender to jail for any time not exceeding two months. Offences shall be prosecuted in every case within two months after commission. No such

Executive powers of corporation vested in mayor and councilmen.

Mayor and one councillor &c. to attend daily in public office to hear criminal offences within the city.

Offences to be prosecuted within two months, &c.

Court may bind offenders to appear at Supreme Court.

conviction shall be quashed for want of form, and no warrant of commitment shall be void by reason of any defect therein, so as it be therein alleged that the party has been convicted of some offence therein named. Nothing herein contained shall prevent the said Court from binding persons charged with offences, under recognizance, with sureties, to appear and answer in the Supreme Court of Judicature of this Island; and in no case where the said Police Court shall sentence any party to punishment by fine or imprisonment, or by both, shall any appeal be allowed, except by writ of *certiorari* or *habeas corpus cum causa*. The fees to be taken by the said Court for all business done therein shall be the same as those now taken or charged by Justices of the Peace, or in the Court of the Commissioners for the recovery of small debts for similar services. Justices of the Peace for Queen's County shall not, within the city, hold or exercise any powers hereby transferred to the city authorities, but may still exercise therein any special authority not so transferred.

What fees to be taken in police court.

How and when appeals from assessment of rates, &c. are to be made.

XLVIII. All appeals from the assessment of rates, authorized and to be made in the City of Charlottetown, by and under the authority of this Act, or of any other Act of the General Assembly, shall be made to the City Council in the same manner and under the like directions as are now by law provided.

City assessors annually, &c., to make assessment of property in each ward.

XLIX. It shall be the duty of the City assessors, once in each year, at least, or oftener if required so to do, to make, under the direction of the City Council, and upon the requisition of the City Clerk, an assessment of the value of the property in each ward, and shall return such assessment to the City Council in thirty days after the receipt of the said requisition; and that the said assessors, or any two of them, to be appointed by the said Council, shall thereupon forthwith proceed to make up the assessment books for the city from the returns of the assessors, in the manner now required to be done: provided always, that in making such assessment on real estate, under the authority of this Act, the said assessors shall, and they are hereby required and directed to value such real estate at tenfold the amount of annual rent which such real estate produces at the time of such assessment, or which such real estate would be worth, if leased in its then present state of improvement, for the year next after the time of making such assessment.

Rules to be observed by assessors in assessing value of real estate.

Powers of Council in laying out and repairing streets, drains, &c.

L. The said City Council shall have the exclusive power to open, lay out, regulate, repair, amend, and clean the streets and alleys of the said city, and of putting drains and sewers therein, and to prevent the encumbering of the same in any manner, and to protect the same from encroachment and

injury by such by-laws and ordinances as they may from time to time pass; and for making, levelling, flagging, paving, macadamizing, raising, repairing, lighting, watching, planting and cleaning any of the said streets, squares, lanes, walks, sidewalks, crossings, roads, bridges, wharfs, docks, slips, sewers and shores now laid out and erected, or being, or hereafter to be laid out and erected within the limits of the City; and to regulate or prevent the encumbering, injuring, or fouling of the same by any animals, vehicles, vessels, craft, lumber, buildings, or other materials or things, or in any way whatsoever; to regulate the breaking of the roads and streets of the said City in the winter; and to require the owners of horses, sleds and other teams to assist thereat; for directing and requiring the removal at any time of any door steps, porches, railing, or other erections, projections or obstructions whatsoever, which may project into or over any public street, square or road, at the expense of the proprietors or occupants of the real property in or near which such projections or obstructions may be found; for assessing the proprietors of any real property immediately benefited by such improvements for such sum or sums as may, at any time, be necessary to defray the expense of making or repairing any common sewer, drain, flagging, posts or pavements of stone, deal or plank, in any public street, square or place; and for regulating the time and manner in which such assessment shall be collected and paid; and all power and authority vested in the Justices of the Peace for the County of Queen's, or in the commissioners of highways for the said County of Queen's, by any law now in force relating to highways in that part of the said County of Queen's, incorporated by this Act, shall be vested in the said City Council, who are hereby empowered to carry into effect the provisions of such law: provided that nothing herein contained shall be construed to extend to authorize the opening of any roads and highways through the private property of any person or persons, without complying with the provisions of any Act or Acts then in force, providing for the awarding of damages to any person or persons who may be injured thereby.

May assess owners of real property for improvements by draining, paving, &c.

LI. All boards, commissioners and officers appointed to act under the authority of said corporation, or entrusted with the collection or expenditure of any public money, shall be accountable therefor to the said corporation, in such manner as may be ordained and directed by the by-laws and ordinances of the said City; and the books of account of the said City corporation, shewing the amount, particulars, state and circumstances, and also the receipt and expenditure of, and on account of the property, funds, taxes, effects and fees, belonging and accruing, or payable to the said corporation, or any of its officers, shall be deposited and kept in the office of the

All officers, &c. appointed to act, or collect, or expend moneys to be accountable to corporation.

City clerk ; and shall there be opened and exhibited on the first Monday in every month, from the hours of ten o'clock, a. m., to four, p. m., for inspection and examination by every elector of the City, who may on that day apply to see and inspect the same.

City Council to cause accounts of city to be published, &c.

LII. The said City Council, after the accounts of the said city and corporation shall be checked, audited, discussed and approved by the said Council, shall cause the same to be published in detail, countersigned by the Mayor and City Clerk, in such way and manner as may appear the best adapted to make generally known the said accounts.

Councillor may resign his office on paying fine of £5.

LIII. It shall be lawful for any person holding the office of Councillor to resign his said office at any time, by a declaration to that effect, under his hand, and on the payment of a fine of five pounds ; and thereupon a Councillor shall be elected in the manner aforesaid for the ward for which such Councillor so resigning was elected.

Two councillors may bind out mendicant children to any person residing not more than three miles from the city.

LIV. Whereas it is deemed necessary to empower the City Council to bind out as apprentices mendicant children, being in the city, and whose parents are unable to provide for them : Be it enacted, that from and after the passing of this Act, whenever it shall be certified by petition to the City Council, under the hands of eight or more respectable householders, that any child or children within the ward in which such petitioners live have been for a considerable length of time in the habit of begging from house to house, and in the public streets ; and shall also at the same time certify that the parents of such children are so poor and destitute as not to be able to maintain them ; and that the said children are a burden on the community, then and in every such case, if the said Council shall be satisfied of the truth of such petition, it shall and may be lawful for any two councilmen, within their respective wards, to bind out such children, being over seven years of age, to any person or persons within this Island, residing in or not more than three miles distant from the city ; and such child or children shall remain bound until the age of twenty-one years, or for such lesser period as they may think fit ; the said binding to be as effectual to all intents and purposes, as if such child were of full age and bound himself or herself ; and the person or persons to whom any apprentice may be appointed to be bound, shall receive and provide for such apprentice according to the indenture, to be signed and confirmed by the said two Councilmen so binding out such children.

Penalty on person ill-using

LV. If any person shall be guilty of ill-using, or neglect to find and provide proper and sufficient clothing and food,

and other necessaries, for any apprentice which he or she shall accept, such person shall, on oath being made by one or more credible witness or witnesses before any two Justices of the Peace for the County in which such person shall reside, of such ill-usage or neglect, such person shall forfeit for every such offence a sum not exceeding ten pounds, to be levied by distress and sale of the goods of any such offender, by warrant under the hands and seals of the said Justices, and paid into the hands of the City treasurer as part of the funds of the City.

or neglecting
&c., apprentices
bound to him
hereunder.

LVI. Nothing in this Act contained shall, in any manner, derogate from, or affect, or be construed to derogate from or affect, the rights of Her Majesty, her heirs and successors, except in so far as the same may be specially affected by the provisions of this Act.

Nothing herein
to affect right
of Her Majesty

PRIVATE AND LOCAL ACTS.

ANNO DECIMO NONO

VICTORIÆ REGINÆ.

CAP. VI.

See 16 Vic. c. 9 An Act to increase the stock of the Charlottetown gas light company.

[Passed April 14, 1856.]

WHEREAS the amount to which the capital or joint stock of the said Charlottetown gas light company may be increased, is by the said Act limited to nine thousand pounds, which amount has been found to be insufficient for the purpose of enabling the company to extend their operations, so as to meet the increasing demand for gas light:

Authorizes capital stock of Charlottetown gas light company to be raised to £12,000.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the said Charlottetown gas light company, at any general or special meeting or meetings of the shareholders, to be called agreeably to the by-laws of the said company, to order and direct that the paid up capital or joint stock of the said company shall be raised to a sum not exceeding twelve thousand pounds; the additional sum required for the purpose to be divided into shares of the like amount in respect to the original capital as in and by the said Act of incorporation is prescribed; and that at any time thereafter the said company, at any public meeting or meetings duly called as aforesaid, may further increase its capital or joint stock by a sum not exceeding six thousand pounds, to be divided into the like shares, thereby making the said capital or joint stock to amount in the whole to eighteen thousand pounds.

Also, capital may again be increased to £18,000.

CAP. XI.

An Act to amend the Act incorporating the Bank of Prince Edward Island. 18 Vic. c. 10.

[Passed April 14, 1856.]

WHEREAS the phraseology of the proviso contained in the second section of the Act of the eighteenth year of Her present Majesty's reign, intituled "An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Bank of Prince Edward Island," is somewhat ambiguous, and might be construed, if literally interpreted, so as to permit and enable the persons by the said Act incorporated, to advance and lend money on real estate, contrary to the true intent and meaning of the said Act; and whereas the eighteenth section of the said Act does not clearly define and set forth the liability of stockholders, and it is therefore necessary to repeal the said eighteenth section and make other provisions in lieu thereof; and whereas, also, in the thirty-fifth section of the said Act, the word "fourteenth" has by mistake been inserted instead of the word "thirteenth." Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows, that is to say:

18 Vic. c. 10.

sec. 18.

section 35.

I. It shall and may be lawful for the said corporation of the president, company and directors of the Bank of Prince Edward Island, to accept and take any lands, houses, or other real or personal estate in satisfaction, liquidation or payment of any debt absolutely and *bona fide* previously due to the said corporation; and to take any mortgage, judgment, or any other like charge as a security for any moneys so previously due as aforesaid to the said corporation, or for which parties may have rendered themselves liable to the said corporation in the course of their dealings with the said corporation; and to hold such lands or other property or security thereon for such reasonable time only after the said corporation shall have acquired an absolute estate therein as shall be necessary for selling and disposing of, and converting the same into money.

Bank corporation may take lands in payment of debts due.

II. The holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said corporation; and also for the payment of all debts at any time due from the said corporation, in proportion to the stock they respectively hold; provided, however, that in no case shall any one stockholder be liable to pay a sum exceeding twice the amount of stock actually then held by him, over and above, and in addition to the amount of stock actually by him paid into the Bank; provided nevertheless that nothing in this Act, or in the said

Extent of liability of shareholders.

hereinbefore recited Act contained, shall be construed to exempt the joint stock of the said corporation from being also liable for, and chargeable with the debts and engagements of the same.

Repeals 18th
sec. of 18th Vic
cap. 10, &c.

III. The said eighteenth section of the said recited Act shall be, and the same is hereby repealed; and the nineteenth section of the said recited Act, which erroneously refers to the said nineteenth section, instead of the said eighteenth section, hereby repealed, shall refer and be held and construed to refer to the last preceding section of this Act.

Word "thirteenth" substituted for "fourteenth."

IV. In the reading and construction of the said thirty-fifth section of the said recited Act, the word "fourteenth" shall be read and construed as if the word "thirteenth" had always been contained therein instead of the word "fourteenth."

This Act to be a part of original Bank Act.

V. This Act shall be held and taken to be as much a part of the said hereinbefore recited Act, as if this Act were originally incorporated in, and formed part of the said recited Act.;

Continuance of Act.

VI. This Act shall continue and be in force during the continuance of the Act of which it is an amendment.

CAP. XVI.

2 W. 4, c. 18.

An Act to alter and amend the Act incorporating the minister and elders of Saint John's Church, Belfast.

[Passed April 14, 1856.]

WHEREAS it is deemed expedient to alter and amend the hereinafter recited Act: Be it therefore enacted by the Lieutenant Governor, Council and Assembly:

Act 2 W. 4, c. 18, to be amended as in this Act set forth.

I. That the Act of the second year of the reign of William the Fourth, chapter eighteen, intituled "An Act to incorporate the minister and elders of Saint John's Church, in the district of Belfast," shall be altered and amended as follows: Alexander McLean, John McLeod, Malcolm Nicholson, Peter Martin, William Ross, Alexander Williams, Angus McQueen, Angus McAulay, Malcolm Stewart, Archibald McRae, Angus McLinnis, Alexander Gillis, and David Ross, shall, until the first annual election after the passing of this Act, be and be constituted trustees, together with the minister of the said church, for the time being, to transact the secular affairs of the Belfast congregation of the said Church, with the several powers and privileges by law enjoyed by the trustees of the said church.

Thirteen trustees to be annually elected,

II. From and after the passing of this Act there shall annually be chosen, by persons qualified as hereinafter mentioned, thirteen persons, being members of the said church, to be

trustees thereof, together with the minister of the said church, for the time being; and the trustees so elected, and their successors in office, shall be in lieu of the persons hereinbefore appointed, and shall be held and deemed to be the successors in office of the persons incorporated under and by virtue of the hereinbefore recited Act; and the trustees appointed, and their successors in office, to be annually elected, as hereinafter mentioned, shall bear the same name, and have, possess and enjoy all the rights, privileges and immunities by the said hereinbefore recited Act conferred on their predecessors therein named; and shall be in law capable of contracting and being contracted with relative to the funds of the said corporation, and the business and purposes for which it was constituted; and may establish, put in execution, alter or repeal such by-laws, rules or regulations as shall not be contrary to the constitutions and laws of this Island, or the provisions of this Act, or to the constitution of the Church of Scotland, and as may appear to the said corporation necessary and expedient for the interests thereof; and for those purposes to appoint their own secretary, treasurer, and other officers; and shall have the management and control of all moneys arising from pew rents, or otherwise; and may raise money by special assessment on the pewholders or otherwise, as to them the said trustees shall seem most equitable and expedient.

and to be successors of the persons incorporated under 2 W. 4, c. 18;

and to bear same corporate name, &c.;

and may make by-laws, &c. and appoint officers, &c.;

and have control of moneys, &c.

III. Every person of the age of twenty-one years or upwards, being a member of the said congregation, who shall hold and pay for one pew, or who shall hold and pay for one half pew, in the church annually, or who shall annually subscribe and shall have paid the sum of ten shillings, shall be entitled to vote at the annual election of trustees as aforesaid.

What persons shall be entitled to vote at the election of trustees.

IV. The first election of trustees under this Act shall take place on the first Tuesday in January in each and every year; and it shall be the duties of the trustees aforesaid, and their successors in office, and they and their successors in office are hereby required to request the minister of the said church, for the time being, to give notice of such election from the pulpit, at such time during divine service as he may think fit; and such notice shall be given on two Sabbath days next preceding the day of meeting for the purpose of such election; and in case of a vacancy in the said pulpit, such notice shall be given by inserting the same in the *Royal Gazette* or other newspaper published in Charlottetown, and shall state the time and place of holding such election, at which time and place the said electors, qualified as aforesaid, shall choose a chairman, and shall proceed to the election of thirteen persons, so qualified as aforesaid, to fill the office of trustees for the ensuing year, the chairman of the said meeting having a casting vote in the case of an equality; and the names

Trustees to be reelected annually on 1st Tuesday in January.

How election is to be conducted &c.

How vacancies accruing from death, &c., of trustees, to be filled up.

of the persons so elected, and that of the minister of the said church, shall be entered in a book to be kept for that purpose; and any vacancy or vacancies which shall, after such election and before the next annual election of trustees, occur among such trustees, by death, resignation, removal, or otherwise, shall be filled up by the election of as many new trustees as may be necessary to supply such vacancy or vacancies; and such elections shall be held as occasion may require, and within thirty days after such vacancy or vacancies shall have occurred, and under and subject to the same regulations with respect to the notice and otherwise as the said annual election of trustees.

Trustees may be reelected.

V. All or any one or more of the trustees in office, at the time of such annual election, shall be eligible to be reelected in any year.

Books, vouchers, &c., to be delivered by outgoing trustees to their successors.

VI. All books, minutes, vouchers, notes, obligations, securities for money and moneys, and all and every description of property, in the hands, care, custody or possession of the outgoing trustees, shall be transferred and delivered up to their successors immediately on their coming into office as such trustees.

If no election takes place, trustees then in office shall continue therein for another year, &c.

VII. If it should so happen that no election of trustees should take place on the second Tuesday in January as aforesaid, then and in such case the trustees then in office shall continue and remain in office during and until the expiration of the next ensuing year, unless a requisition, signed by at least twenty persons of the said persons qualified to vote as aforesaid, shall be presented to the trustees, calling upon them to cause a meeting to be held for the election of trustees, and of which meeting ten days' notice shall be given, and such meeting shall be held in manner and form as hereinbefore directed with respect to annual elections.

Trustees entrusted with repairs, &c. of church, &c.

VIII. The trustees shall be and they are hereby entrusted with the repairing, alteration, or rebuilding of the church or manse, and shall guard and protect the interests of the congregation, the burial ground, and all real or personal estate held or to be held by the corporation.

CAP. XVIII.

See incorporation Act, 18th Vic. c. 34.

An Act relating to the boundaries of the City of Charlottetown, and the jurisdiction of the Mayor's and Police courts of the said City, and for other purposes therein mentioned.

[Passed April 14, 1856.]

WHEREAS it is deemed expedient to define more expressly the boundaries of the City of Charlottetown, and to

extend the powers, authority and jurisdiction of the Mayor's and Police courts established therein, and of the City Council, in and over the harbor of Charlottetown: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. The authority of the City officers and the jurisdiction of the Mayor's and Police courts shall extend unto and over all acts, matters and things, civil or criminal, done upon the harbor of Charlottetown, and described within the following boundaries, that is to say: commencing at the eastern and northern extremity of common lot number thirty-five, known as Kensington farm, thence along the front of all the City, and of that part of the City called the common, fronting on York or north river, to the northern extremity of common lot number six, now in the possession of George Lewis; thence across the said river in a direct line to a point making out from the northern side of a creek known as McKenzie's creek, as laid down in Captain Bayfield's chart of said harbor, dated one thousand eight hundred and forty-three; thence along the northern and southern shore of said creek, and the western shore of said river, in front of lands in possession of J. H. Peters, Jacob Dockendorf, Alexander McKinlay, William White and others, to the western side of a point on the said William White's land, commonly called North point, as also laid down in said chart; thence across the west or Elliot river to the western boundary of a point of land generally known as McKenzie's point; thence along the shore of the west or Elliot river to the western extremity of a piece of Ordnance land, occupied by the Blockhouse, and known as the Blockhouse point; thence across the mouth of the harbor to the southern side of a point known as Sea Trout point; thence along the shore on the east and south side of the east or Hillsborough river, to the eastern extremity of land purchased by Government from James Kelly, for an hospital station; thence across the east or Hillsborough river to the place of commencement, the aforesaid northern and eastern extremity of common lot number thirty-five, known as Kensington farm, and over all the water of the said harbor, and portions of the creeks and rivers within the boundaries herein described, and over all the wharfs, ferry slips, and landing slips thereon up to high-water mark: provided such acts, matters and things, if done within the limits and boundaries of the City herein described as aforesaid, would be within the authority and jurisdiction of any of the officers or courts of the City, and process, civil or criminal, which any court or any officer of the City may have power to issue or execute, shall and may be executed upon the harbor of Charlottetown.

Extent of the jurisdiction of the city officers and Mayor's and Police courts defined.

Proviso.

II. The Mayor and City Council shall have the exclusive power to license shops, public houses, taverns, and other places

Mayor and Council to have

exclusive power to grant tavern licenses within the said city, &c.

for the sale of spirituous and fermented liquors, within the City, any thing in any other Act to the contrary notwithstanding, pursuant to the Acts of the General Assembly now in force, or that may hereafter be in force, relating to the granting of licenses for the sale of spirituous and fermented liquors; and also to suspend, annul or make void any such licenses according to law; and the duty for such licenses, together with the fees thereon, shall be paid into the City treasury before such licenses are granted.

Powers of city boards of Health.

III. The City Board of Health, when established, shall have the same powers and authority as are now vested in the Boards of Health for the different counties of the Island.

Public city meetings to be called by the Mayor, &c.

IV. The Sheriff or Coroner of Queen's County, for the time being, shall not exercise any power or authority over the City relative to civic matters, such as convening public city meetings; but the same shall be called by the Mayor, or on his refusal or neglect to do so, then by two or more members of the City Council.

Mayor, &c. to have same powers as Justices of the Peace, &c.

V. Whereas it is necessary to define more particularly the extent of the jurisdiction of the Mayor and Common Councilmen of the said City: Be it further enacted, that the Mayor and common councilmen of said city shall have the same powers and jurisdiction, civil as well as criminal, within the said city, as Justices of the Peace now or hereafter may have within their respective counties; and that in all Acts of the General Assembly of this Island, or Acts or Statutes of the British Parliament, where the words Justice or Justices of the Peace are made use of, the same shall be understood as being equally applicable to the Mayor and councilmen of the City of Charlottetown, in cases arising or offences committed within the City and the limits thereof, or over which jurisdiction hath been given by any Act or Acts of Parliament, as if the words Mayor and common councilman or common councilmen of the said city had been inserted in each and every of the said Acts respectively; and the sentences pronounced and judgments given by such Mayor and common councilmen, under and by virtue of the provisions of such Acts, shall be equally valid as if the same had been pronounced and given by Justices of the Peace for this Island.

City officers, on getting warrant backed by a Justice, may follow and arrest offender beyond the limits.

VI. When an offence hath been committed within the jurisdiction of the said city, and a warrant for the apprehension of the offender or offenders hath been issued by the Mayor or common councilmen, or either of them, it shall be lawful for the Marshal or any of the Police constables of the said City, to whom such warrant shall have been entrusted for execution, in case the offender or offenders shall have escaped out of the jurisdiction of the City, to follow the said offender or offenders

into the County into which he, she or they may have escaped : provided always, that such marshal or Police constable shall first procure such warrant to be endorsed by a Justice of the Peace of the County into which such offender or offenders are supposed to have escaped ; such offender or offenders, when arrested, to be dealt with according to law.

VII. The Mayor's Court, which shall consist of the Mayor and two common councillors, or in his absence, three common councillors, shall be vested with the same powers and authority which Commissioners for the recovery of small debts and Justices of the Peace now have or may hereafter have, under the Acts now in force or that may hereafter be in force for the recovery of small debts, as regards persons, both debtors and creditors, residing within the city and boundaries aforesaid ; and the Mayor's Court shall adjudicate under the small debt Act, on the first Friday in every month, at eleven o'clock, forenoon, throughout the year, except when Christmas day shall fall on such Friday, in which case it shall be held on Saturday ; and if said Court is not able to get through with the business on that day, to adjourn till the following day. The City Clerk shall have the same powers and authority as are now vested in clerks of the small debt court ; and the City marshal and his deputies shall have the same powers and authority now possessed by bailiffs of said court, provided he and they have given the security required of bailiffs by the small debt Act ; and all fees collected under the provisions of this clause shall be paid into the city funds by the clerk of the court.

Mayor's Court vested with powers of small debt commissioners within the city, in certain cases.

Powers of city clerk, marshal, &c. therein.

VIII. And whereas the Act of incorporation limits the interest to be paid by the City on all moneys borrowed under and by virtue of the said Act to five *per centum per annum*, which rate of interest it is with good reason feared will prove too low to enable the City to borrow money for city purposes : Be it therefore further enacted, that it shall and may be lawful for the common Council of the said City to pay or engage to pay as much as six pounds *per centum per annum* upon moneys to be borrowed under the provisions of the said Act ; provided that such money cannot be had at a lesser rate of interest, after due and proper exertions made to obtain it at such lesser rate.

Rate of interest to be allowed for money borrowed.

IX. That from and after the passing of this Act, no proprietor, possessor, occupant, agent, or other persons owning or having in charge any land within said City, shall open or lay out any new street or road over or on the property so owned, possessed, occupied or had in charge, of him, her or them, of a less width than forty feet.

No owner, &c. of land in city to open any street of a less width than 40 feet.

CAP. XX.

An Act to incorporate the trustees of Saint David's Church, in Georgetown.

[Passed April 14, 1856.]

Preamble.

WHEREAS, in the year of our Lord one thousand eight hundred and thirty-seven, His Excellency Sir Charles Augustus FitzRoy, then Lieutenant Governor of Prince Edward Island, did give, grant and confirm certain land and premises in Georgetown, and which are particularly described and set forth in the original grant, registered in the office for the registry of deeds of the said Island, unto the minister and elders of the Presbyterian church at Georgetown, as a site for a Church in connection with and governed by and according to the rites, regulations and discipline of the Kirk of Scotland, established by law; and whereas sundry inhabitants of Georgetown, members of, and adherents to, the said Kirk of Scotland, have set forth, by their humble petition, that a church has been erected on the aforesaid lands, and are desirous that a board of Trustees, with a corporate capacity, should be incorporated: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, that is to say:

Certain parties incorporated under name of "The Trustees of Saint David's Church, George town;"

To have a seal, and be capable of suing, contracting, &c.

I. That the Honorable Joseph Wightman, Honorable Roderick McAulay, Peter Ferguson, John Campbell McKeown, John McDonald, John Smith, James Cogswell, Finlay McNeill, having been chosen by the said congregation to act as trustees, until an Act of Incorporation be passed, providing for the election of their successors, shall be, and they and their successors, for ever, are hereby constituted and declared a body corporate, under and by the name and style of "The Trustees of Saint David's Church, Georgetown," and shall continue in office until the second Monday in January, in the year of our Lord one thousand eight hundred and fifty-seven, and they and their successors forever shall have a common seal, with power to break, change and alter the same, from time to time, at pleasure, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts of judicature, in all manner of actions, suits, complaints, matters and causes whatsoever, and also of contracting and being contracted with relative to the funds of the said corporation, and the business and purposes for which it is hereby constituted as hereinafter declared; and may establish and put in execution, alter or repeal such bye-laws, rules or regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, or to the constitution of the church of Scotland, as may appear to the said corporation necessary and expedient for the interests thereof; and for these purposes to

appoint their own chairman, treasurer, secretary and other officers, and five of the members of the said corporation shall form a quorum for and in all matters and things to be done and disposed of by the said corporation.

Five members to form a quorum.

II. After the passing of this Act there shall annually be chosen by such of the congregation of the said church qualified to vote as hereinafter mentioned, eight persons, whose qualification for office shall be the same as that of electors as hereinafter mentioned, and such eight persons so chosen or elected shall be in lieu of the trustees appointed under this Act.

Eight trustees to be annually chosen.

III. Every male person of the age of twenty-one years or upwards, who shall hold and pay for one whole pew or one-half pew in the said church, and who shall not be in arrear of rent for the same, or who shall have subscribed and paid into the funds of the corporation annually the sum of ten shillings of current money of the said Island, and who shall not be in arrear for the same, shall be qualified to vote at the election of trustees hereinbefore mentioned.

Who qualified to vote at election of trustees.

IV. The first election of trustees under this Act shall take place on the second Monday of January, which will be in the year of our Lord one thousand eight hundred and fifty-seven, and all future elections shall take place on the same day in every year in all time coming; and it shall be the duty of the said trustees hereafter elected to office to give notice, under the signature of the secretary and by authority of the board, of the hour and place of holding such election, by an intimation read by the minister from the pulpit on the two Sabbaths immediately preceding, or in case of a vacancy, by causing to be inserted twice in one of the Island newspapers an advertisement of the hour and place of such meeting, at which time and place electors qualified as aforesaid shall choose a chairman, and proceed to the election of eight persons, qualified as aforesaid, to fill the office of trustees for the ensuing year; the chairman of the said meeting, in case of an equality, having a casting vote; and the names of the persons so elected shall be entered in the books by the secretary or other person having the custody of the same, who shall attend with the said books for that purpose.

Election of trustees to take place annually on 2nd Monday in January.

Notice of elections how and when to be given.

Names of trustees elected to be entered in the books, &c.

V. All or any one of the trustees in office at the time of such election shall be eligible to be reelected.

Trustees going out eligible to be reelected.

VI. In the event of a vacancy or vacancies occurring by death, resignation or otherwise, in the board of trustees, it shall be lawful for the trustees, at any of their meetings, to elect a duly qualified person or persons to supply the same; but should the vacancies so occurring at any one time be so

How vacancies to be filled up, &c.

numerous as not to leave a quorum, then such vacancies shall be filled up in the manner in which this Act provides for the annual election of trustees, within thirty days after the occurring of such vacancy or vacancies.

Former trustees to hand over to the newly elected trustees corporate seal, books, &c.

VII. The seal of the said corporation, and all books, papers, deeds, minutes, vouchers, moneys, securities for moneys, and all other property and things in their care, custody and possession, shall be forthwith handed over by the former trustees to the trustees so elected as aforesaid.

Duties and powers of the trustees, &c.

VIII. It shall be the duty of the trustees to make all arrangements for the letting of pews, imposing and collecting of seat rents, to dispose of the church lands in any way they may see proper, for the interests of the corporation; provided always, that said lands be never alienated from their original purpose, to keep the church in repair, and impose such extraordinary assessments as may be required for repairing said church, and in general to manage the secular affairs of the congregation, agreeably to the constitution of the Church of Scotland, and subject to the approval and administration of the ecclesiastical courts organized in this country in connection with the said Church of Scotland; and for the accomplishment of these ends, the trustees may, in addition to such meeting of the Board as may be necessary, call meetings of the congregation, as occasion may require, after a notice of ten days, at which congregational meetings all persons qualified in the election of trustees as aforesaid may vote on all questions or matters brought before said congregational meetings.

CAP. XXIV.

2 W. 4. c. 17.

An Act in further amendment of the Act to incorporate the minister and trustees of Saint James's Church in the town of Charlottetown.

[Passed April 14, 1856.]

Preamble.

WHEREAS the minister and trustees of the said church are desirous to erect, upon certain property belonging to the said corporation in Charlottetown, a manse or residence for the minister of the said church: and whereas the piece of ground intended as the site of the said manse is part of the property conveyed to certain trustees in and by a deed of lease and release from Alexander Birnie, late of the city of London, merchant, and referred to in the preamble of the Act of the second William the Fourth, chapter seventeen, intituled "An Act to incorporate the minister and trustees of Saint James's Church in the town of Charlottetown;" and whereas it would tend much to facilitate the erection and completion of the said

2 W. 4. c. 17.

building, if the trustees of the said church could legally mortgage a portion of the said property, so conveyed as aforesaid, and now vested in the said corporation, a power which they conceived themselves entitled to exercise under the third section of the said recited Act, but doubts having arisen as to their authority in that behalf, inasmuch as the power of alienation thereby granted is, by the language of the said section, confined to subsequently acquired property: for remedy thereof:

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That Henry Douglas Morpeth, James Anderson, James Watts, junior, John William Morrison, Robert Potts, Edward Langley Lydiard and Thomas Stratton, the present trustees of the said church, together with the minister of the said church for the time being, and the successors of said trustees (such successors to be appointed in way and manner pointed out in and by the Act of the fifteenth Victoria, chapter sixteen), shall have full power and authority to mortgage, sell, alienate and dispose of so much of the said lands or real estate comprised in the said recited deed from Alexander Birnie, as is described and set forth in the schedule hereunto annexed.

Trustees, &c. of
St. James's
Church, authorized to mortgage certain church lands, &c.

SCHEDULE to which this Act refers.

All that piece of ground situate in Charlottetown, bounded and described as follows, that is to say: commencing at the north-east corner of town lot number seven, in the fifth hundred of town lots in said town, thence extending southwardly along Pownal-street a distance of forty-eight feet, thence running in a line parallel to the northern division line of lots numbers six and seven, until it reaches town lot number five, thence northwardly until it reaches the north-west corner of town lot number six, thence running along the northern boundary lines of said lots numbers six and seven to the place of commencement; the same being part of town lots numbers six and seven, in the said fifth hundred of town lots, together with all easements, hereditaments, rights, members and appurtenances to the said described piece of ground belonging, or in anywise appertaining.

Schedule referred to in this Act.

PRIVATE AND LOCAL ACTS.

ANNO VICESIMO

VICTORIÆ REGINÆ.

CAP. VIII.

An Act for the naturalization of Lawrence Warren.

[Passed April 15, 1857.]

Preamble.

WHEREAS Lawrence Warren intends taking up his permanent residence or domicile within this colony, and is therefore desirous of being naturalized, and has given satisfactory assurance that he is willing to assume all the duties and responsibilities which may attach to him in the character of a good and faithful subject of our Lady the Queen :

After taking oath of allegiance, &c. Lawrence Warren to become a naturalized subject, &c.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that he, the said Lawrence Warren, so soon after the passing of this Act as he shall take and subscribe the oath of allegiance to her Majesty, Queen Victoria, and her successors, shall, within the limits of this Island, be and become, and be held and adjudged to be, a naturalized subject of her Majesty, entitled to all the rights and privileges of such subjects, as fully as the same rights and privileges can or may be conferred by the Legislature of this Island, and under or by virtue of the Act of the Imperial Parliament, passed in the tenth and eleventh years of her Majesty's reign, intituled "An Act for the naturalization of aliens."

Oath of allegiance to be taken by him before a Judge, &c.

II. The said Lawrence Warren shall take and subscribe, in duplicate, the oath of allegiance, before a Judge of the Supreme Court, in open Court, who shall attest the same.

III. One copy of the oath shall be filed by the officer of the Court, who shall receive therefor, and for making the duplicate, the sum of five shillings, and he shall forthwith transmit the same, under his hand and the seal of the Court, to be filed in the Colonial Secretary's Office.

Copy of oath to be filed in Court, and duplicate in Col. Secretary's office.

IV. The officer shall also give a certificate under his hand and the seal of the Court, that the oath of allegiance has been taken, which certificate shall be evidence of its contents, and therefor he shall be entitled to the sum of five shillings.

Certificate, &c. to be given by officer.

V. Nothing in this Act contained shall be of any force or effect until Her Majesty's pleasure therein shall be known.

Suspending clause.

. This Act received the royal allowance on the 16th day of July 1857, and notification thereof was published in the *Royal Gazette* newspaper of this Island on the 20th day of July, 1857.

CAP. IX.

An Act to continue and amend the Princetown royalty Church incorporation Act, and to repeal a certain Act therein mentioned.

14 Vic. c. 15.

[Passed April 15, 1857.]

WHEREAS the Act of the fourteenth Victoria, chapter fifteen, intituled, "An Act to incorporate certain persons trustees of Princetown royalty Church," will shortly expire, and it is desirable to continue and amend the same: Be it enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. So much of the said recited Act of the fourteenth Victoria, chapter fifteen, as authorizes and empowers the assessors for the time being, appointed thereunder, to sue for the amount of any assessment imposed upon the several members of the congregation of the said church, or upon the several pewowners or pewholders in the said church, towards defraying the salaries of the minister, clerk or other officers of the congregation, shall be, and the same is hereby repealed; it being hereby declared and intended that all such assessments so imposed upon the several members of the said corporation, or the several pewowners or pewholders of the said church, under and by virtue of the said Act, shall, as regards the payment thereof, be left to the voluntary will and discretion of such members, pewowners or pewholders, respectively.

Part of Act of 14 Vic. c. 15, repealed.

Payment of assessment in future to be voluntary.

II. The Act of the seventeenth Victoria, chapter fourteen, intituled "An Act to continue and amend the Princetown royalty Church incorporation Act," shall be, and the same is hereby repealed.

Act 17 Vic. c. 14, repealed.

Act 14 Vic. c. 15, continued for ten years.

III. The said first hereinbefore recited Act of the fourteenth Victoria, chapter fifteen, save and except in so far as the same is hereby altered, repealed or amended, shall be, and the same is hereby continued in force for the space of ten years from the passing hereof, and from thence to the end of the then next session of the General Assembly, and no longer.

This Act to be in force for same period as Act 14 Vic. c. 15.

IV. This Act shall be, and continue in force and operation so long as the said recited Act of the fourteenth Victoria, chapter fifteen, (of which it is an amendment,) shall be in force and operation, and no longer.

CAP. XII.

15 Vic. c. 41. An Act to continue and amend the Act to prevent horses, swine and geese from going at large in Georgetown.

[Passed April 15, 1857.]

WHEREAS the Act fifteenth Victoria, chapter forty-one intituled "An Act to prevent the going at large of swine and geese at all seasons, and horses at certain seasons of the year, in the square and streets of Georgetown," will shortly expire, and it is expedient to continue and amend the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Swine and geese reeves in Georgetown to be appointed by commissioner of highways.

I. That the four persons which the first section of the said hereinbefore recited Act requires the senior magistrate in Georgetown to appoint to act as swine and geese reeves in said town, shall, from and after the passing of this Act, be appointed by the Commissioner of highways for district number eleven, in King's County, instead of by the said senior magistrate, and the said Commissioner of highways is hereby empowered and required, to appoint the said four persons, in manner as directed by the said hereinbefore recited Act; and the persons so appointed by such Commissioner shall have the same powers, and be subject to the same duties, fines and penalties, as are enjoyed by, and imposed on such reeves by the said Act.

Their powers, &c.

Continues Act 15 Vic. c. 41, for 10 years, &c.

II. The said hereinbefore recited Act, and every clause, matter and thing therein contained, save and except in so far as the same is hereby amended, shall be, and the same is hereby continued for the space of ten years from the passing hereof, and from thence to the end of the then next session of the General Assembly, and no longer.

This Act to be in force as long as Act 15 Vic. c. 41.

III. This Act shall be and continue in force and operation so long as the said recited Act of the fifteenth Victoria, chapter forty-one, (of which it is an amendment,) shall continue in force and operation, and no longer.

CAP. XIII.

An Act granting a yearly sum to the New York, Newfoundland and London telegraph company.

[Passed April 15, 1857.]

BE it enacted by the Lieutenant Governor, Council and Assembly as follows:

I. So long during the term of ten years, from and after the passing of this Act, as the said New York, Newfoundland and London telegraph company shall maintain a regular telegraphic communication between this Island and the continent of America and Newfoundland, and shall likewise, during the said period, at the cost and charges of the said company, build, erect and maintain telegraph offices and stations, at either end of the electric cable, connecting this Island with the continent of America and Newfoundland, that is to say, at Capes Traverse and Tormentine, respectively, and shall likewise provide and maintain operators at the said stations, for the purpose of transmitting intelligence from and to this Island, and to the Post Office in Charlottetown, at the same rate or charges as at present received by the said company, for the transmission of messages, there shall be paid to the said company, from the public treasury of this Island, yearly, and every year during the said period of ten years, the sum of three hundred pounds of lawful current money of this Island, in equal half-yearly payments, for which sum the Lieutenant Governor or other Administrator of the Government for the time being, shall draw warrants in favor of said company, on the treasurer of this Island, in the usual manner.

£300 per annum, for 10 years, granted to New York, Newfoundland and London telegraph company, on certain specified conditions.

Payable half-yearly, by warrant on treasurer.

CAP. XV.

An Act in further amendment of an Act made and passed in the sixteenth year of the reign of her present Majesty, intitled "An Act to incorporate the Charlottetown gas light company."

16 Vic. c. 19.

[Passed April 15, 1857.]

WHEREAS the proprietors or stockholders of the said Charlottetown gas light company have prayed that the method of voting at the general meetings of such stockholders, as prescribed by the seventh section of the said Act, to incorporate the Charlottetown gas light company, may be altered and amended:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that at all general or special general

Increases and regulates the

right of voting of shareholders at general or special meetings of the company.

16 Vic. c.19,s.7

meetings of the stockholders of the said Charlottetown gas light company, hereafter to be called, agreeably to the by-laws, rules and ordinances of the said company, the owner of one share shall have one vote, the owner of five shares shall have two votes, the owner of ten shares shall have three votes, the owner of twenty shares shall have four votes, the owner of thirty shares shall have five votes, the owner of forty shares shall have six votes, the owner of fifty shares shall have seven votes, and every owner of fifty shares shall have one vote for every twenty-five shares he may possess, over and above the said fifty shares, in addition to the seven votes given to him by this Act, any thing in the above recited Act, or the seventh section thereof, to the contrary notwithstanding.

CAP. XVI.

An Act to enable Henry Bessemer to obtain letters patent for the invention or discovery of certain improvements in the manufacture of malleable or bar iron or steel.

[Passed April 15, 1857.]

BE it enacted, by the Lieutenant Governor, Council and Assembly:

Entitles Henry Bessemer of the city of London to obtain letters patent in P. E. Island, in terms of Act 7 W. 4, c. 21.

I. That it shall be lawful for Henry Bessemer, of Queen Street Place, New Cannon Street, in the City of London, Civil Engineer, upon his having complied with the provisions of the Act passed in the seventh year of the reign of his late Majesty King William the Fourth, intituled "An Act for granting patents for useful inventions," so far as such provisions shall not be altered by this Act, to obtain letters patent for his invention or discovery of certain new and useful improvements in the manufacture of malleable or bar iron and steel, notwithstanding his residing out of this Island, the same in every respect as if he had been an inhabitant thereof, and had resided therein for one year previous to such application being made; and after such letters patent are obtained, he shall be entitled to all the rights and privileges by the said recited Act conferred.

Petition for letters patent, accompanied by solemn declaration, before competent authority in England, shall be sufficient, &c.

II. Provided always, and it is hereby declared, That instead of the oath or affirmation required by the fifth section of the said recited Act, to be made before some one of the Justices of the Supreme Court of this Island, or some Commissioner for taking affidavits in the said Court, it shall be sufficient for the authorized attorney of the said Henry Bessemer to deliver into the office of the Colonial Secretary of this Island, with the petition for such letters patent, the solemn declaration of the said Henry Bessemer, made by him before the proper offi-

cer, at the Record and Writ Clerk's office, Chancery Lane, in the County of Middlesex, or other competent authority in England, conformably to the Act of the Imperial Parliament, passed in the fifth and sixth years of the reign of his late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present session of Parliament, intituled 'An Act for the more effectual abolition of oaths and affirmations, taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths," declaring or setting forth to the effect, that he is the true inventor or discoverer of the improvement for which he solicits letters patent, and that such invention or discovery hath not, to the best of his knowledge or belief, been before known or used in this Colony, or in any other country.

III. Instead of the written description required by the seventh section of the said Act of the seventh year of King William the Fourth, chapter twenty-one, to be delivered into the office of the Secretary of this Island, by the person applying for letters patent, it shall be sufficient for the said Henry Bessemer, or his authorized attorney, to deliver into the said office a printed description or specification of the invention or discovery of the said Henry Bessemer, in the terms or to the effect set forth and declared in and by the said last mentioned section of the said Act; and instead of the drawings and written references, as required by the said last mentioned section, to be delivered in with, or to accompany the said description, it shall be competent and sufficient for the said Henry Bessemer, or his said attorney, to deliver into the said office a printed description or specification of his said invention or discovery, with printed drawings and references thereto; and which said printed description or specification, drawings and references, shall have the same force and effect in all respects as if the same had been written.

A printed description, &c. of the invention may be delivered into the office of the Colonial Secretary, by the person applying for the letters patent under this Act.

IV. Notwithstanding any thing in the said recited Act of the seventh William the Fourth, chapter twenty-one, to the contrary, the said Henry Bessemer shall be entitled to obtain letters patent, granting and securing to him, his executors, administrators and assigns, the exclusive right to make and use, and to vend to others to be made and used, his invention or discovery, for the period of fourteen years from the passing of this Act, but no longer.

Patent right to extend for a period of 14 years from the passing of this Act.

CAP. XVIII.

An Act to incorporate the minister and trustees of the Free Church congregation in the City of Charlottetown.

[Passed April 15, 1857.]

WHEREAS it is desirable for the more efficient management of the temporal affairs of the Free Church of the City of Charlottetown, that its minister and trustees should be an incorporated body: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, that is to say:—

Certain persons incorporated under the name of "The Minister and trustees of the Free Church congregation in the city of Charlottetown."

To have a seal, and to be capable of contracting, &c.

Five members to form a quorum.

Seven trustees to be annually chosen.

I. That the Reverend George Sutherland be, *ex officio*, and George Henderson, Samuel William Mitchell, John M. Stark, John Arbuckle, Kenneth Henderson, and James Battery, (who have been chosen by the congregation of the Free Church of the City of Charlottetown, to act as trustees, together with the minister, until an Act of incorporation be passed, providing for the election of their successors,) shall be, and they and their successors forever are hereby constituted and declared a body corporate, under and by the name of "the Minister and Trustees of the Free Church congregation in the City of Charlottetown," and shall continue in office until the first Tuesday in January, in the year of our Lord one thousand eight hundred and fifty eight, and they and their successors forever shall have a common seal, with power to break, change and alter the same from time to time, at pleasure, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all Courts of Judicature, in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with, relative to the lands and funds of the said corporation, and the business and purposes for which it is hereby constituted, as hereinafter declared; and may establish and put in execution, alter or repeal such by-laws, rules or regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, as may appear to the said corporation necessary and expedient for the interests thereof; and for these purposes to appoint their own chairman, treasurer, secretary and other officers, and five of the members of the said corporation shall form a quorum for, and in all matters and things to be done and disposed of by the said corporation.

II. After the passing of this Act there shall annually be chosen by such of the congregation of the said church qualified to vote, as hereinafter mentioned, seven persons in full communion with the said church, whose qualification for office shall

be in all respects the same as that of electors, as hereinafter mentioned, and such seven persons, so chosen or elected, together with the minister of the said church for the time being, shall be in lieu of the trustees appointed under this Act.

III. Every male person of the age of twenty-one years or upwards, who shall hold and pay for one whole pew, or one half pew in the said church, and who shall not be in arrear of rent for the same, or who shall have subscribed and paid into the funds of the said corporation, annually, the sum of twenty shillings, current money of the said Island, and who shall not be in arrear of the same, shall be qualified to vote at the election of trustees hereinbefore mentioned.

Who qualified to vote at the election of trustees.

IV. The first election of trustees under this Act shall take place on the first Tuesday in January, in each and every year; and it shall be the duty of the trustees aforesaid, and their successors in office, and they and their successors in office are hereby required to request the minister of the said church for the time being, to give notice of such election from the pulpit, at such time during divine service as he may think fit; and such notice shall be given on two Sabbath days next preceding the day of meeting for the purpose of such election; and in case of a vacancy in the said pulpit, such notice shall be given by the clerk of the sessions or its moderator, who may be appointed by the Presbytery under whose jurisdiction the said congregation may be, by inserting the same in the *Royal Gazette*, or other newspaper published in Charlottetown, and shall state the time and place of holding such election, at which time and place the said electors qualified as aforesaid, shall choose a chairman; and shall proceed to the election by ballot or open vote, of seven persons so qualified as aforesaid, and being members in full communion with said church, to fill the office of trustees for the ensuing year, the chairman of the said meeting having a casting vote in the case of an equality; and the names of the persons so elected, and that of the minister of the said church, shall be entered in a book to be kept for that purpose, and any vacancy or vacancies which shall, after such election, and before the next annual election of trustees, occur among such trustees, by death, resignation, removal or otherwise, shall be filled up by the election of as many new trustees as may be necessary to supply such vacancy or vacancies, such elections to be made by the trustees remaining in office, and to be considered valid until the expiration of the current year.

Election of trustees to take place annually on 1st Tuesday in January.

Mode of proceeding at election.

Vacancies occurring among trustees, between the annual elections, to be filled up temporarily, by the remaining trustees, &c.

V. All or any one or more of the trustees, in office at the time of such annual election, shall be eligible to be reelected in any year.

Trustees may be reelected.

Corporate seal, papers, &c., to be in custody of trustees, and transferred from time to time to their successors.

VI. The seal of the said corporation, and all deeds, books, minutes, vouchers, notes, obligations, securities for money and moneys, and all and every description of property really and truly belonging to the said congregation, shall, immediately after the passing of this Act, come into the custody and possession of the above named trustees, and shall be by them transferred and delivered up to their successors immediately on their coming into office as such trustees.

If no election of trustees take place at appointed time, the trustees then in office to continue for another year, &c.

VII. If it should so happen that no election of trustees should take place on the first Tuesday in January, as aforesaid, then, and in such case, the trustees then in office shall continue and remain in office during and until the expiration of the next ensuing year, unless a requisition signed by at least twenty persons of the said persons qualified to vote as aforesaid, shall be presented to the trustees, calling upon them to cause a meeting to be held for the election of trustees, and of which meeting ten days' notice from the pulpit shall be given; and such meeting shall be held in manner and form as hereinbefore directed with respect to annual elections.

Corporation may contract for and purchase lands or personal estate, &c.

VIII. It shall and may be lawful for the said corporation to contract for and purchase, or in any lawful mode, whether by devise, bequest or otherwise, to acquire or obtain, either in fee simple or for any life or lives, or term or terms of years, for the benefit or purposes of the said Free Church, any messuages, lands, tenements, buildings or hereditaments, real or personal estate whatsoever, in this Island; and to take and receive the necessary legal conveyances, leases, deeds, assignments, devises or other transfers thereof; and which said messuages, lands, buildings, tenements or hereditaments shall be, and remain vested in the said corporation; subject nevertheless, in all cases, to be used and disposed of, according to the decision of the majority of the male members in full communion of the congregation of the said Free Church for the time being, of the age of twenty-one years and upwards.

Corporation not to hold real estate of greater value than £1000 per an.

IX. Provided always, that it shall not be lawful for the said corporation to hold real estate for the use of the said church, which shall exceed in value, and yield at any time more than a clear net yearly income of one thousand pounds of lawful money of Prince Edward Island.

Corporation, &c. may sell, exchange mortgage, &c. real and personal estate vested in it.

X. It shall and may be lawful for the said minister and trustees for the time being, and they are hereby authorized and empowered, to grant, sell, exchange, mortgage, lease, convey or dispose of, to such person or persons as the majority of the male members in full communion of the said Free Church congregation shall think proper, and for such prices, sums, rents or terms as shall be agreed upon, as well all or any part of the said lands, hereditaments and premises now held, or

hereafter to be conveyed to or held by the said trustees for the time being, as all or any of the personal estate and property of the said trustees or Free Church congregation of the City of Charlottetown for the time being; and to such extent and such proportions, and at such times as the trustees for the time being shall think proper, to exchange, sell, mortgage, lease, convey or dispose of the same; and every such deed, mortgage, lease or conveyance thereof, executed by the trustees for the time being, in their name of office aforesaid, under the common seal of the said corporation, shall be sufficient and valid in law to convey to the grantee, mortgagee, lessee or purchaser, or grantees, mortgagees, lessees or purchasers respectively, either in perpetuity or by way of mortgage or lease, for years or otherwise, as the case may be, all such estate, title and interest therein, as the said trustees and corporation, or the said Free Church congregation of the City of Charlottetown now have or are entitled to, or they shall hold or be entitled unto, or into or out of any such real estate or property whatsoever, now held or hereafter to be obtained, so granted, mortgaged, leased or disposed of, or as the said trustees for the time being, and corporation on behalf of the said Free Church congregation of the City of Charlottetown can lawfully by such deed, mortgage, lease or conveyance respectively, vest in the grantee, mortgagee or lessee named therein.

Deed, &c.,
thereof, execu-
ted by corpora-
tion, valid and
sufficient in
law to pass
estate to gran-
tee, &c.

C A P. X I X .

An Act for the incorporation of certain bodies connected with the Bible Christian Church in Prince Edward Island, and to repeal a certain Act therein mentioned.

[Passed April 15, 1857.]

WHEREAS a number of persons in Prince Edward Island are associated together in classes, societies or congregations, constituting a religious community, known as the body of people called Bible Christians, or, as the Bible Christian Church, under the pastoral care and direction of ministers of God's word, in connexion with the annual conference of the people called Bible Christians, held at Hick's Mill Chapel, in the Parish of Gwennap, in the County of Cornwall, on the twenty-eight day of July, in the year of our Lord one thousand eight hundred and thirty-one, and following days, as known by a certain deed or instrument in writing, under the hand and seal of James Thorne, William Reid, and others, bearing date the eighth day of August, in the year of our Lord one thousand eight hundred and thirty-one, and enrolled in the High Court of Chancery, the ministers and lay members of which church are governed by the rules and usages made

Preamble.

or sanctioned, from time to time, by the conference: and whereas for the beneficial and general exercise of pastoral supervision, and the effectual administration of the discipline of the church, the Island, or parts thereof, occupied by such ministers, is, from time to time, divided into convenient sections called circuits, and the classes, societies and congregations within each circuit are placed from year to year under the pastoral care of one or more of the ministers appointed to such circuit, by, or by authority of the conference, and one of whom is called the superintendent thereof; and certain persons are from time to time appointed or recognized, according to such rules or usages as trustees of chapels, or of mission-houses, or of schoolhouses, or of burialgrounds, or of other lands or property, for the use of the church within the circuit respectively: and whereas, for the convenient regulation of the affairs of the church, a number of circuits are associated together by authority of the conference, and each such association is called a district; and a yearly or more frequent assembly of the ministers of each district is held and called the district meeting, the business of which is generally presided over by one of the ministers, who is called the superintendent of the district, and who is appointed to his office by the conference: and whereas it is necessary that greater facilities should be enjoyed by the church for holding, possessing, and using lands and property for the support of public worship, and for the propagation of christian knowledge, and for the constituting and managing of funds and institutions for the several or general religious and benevolent objects of the church: and whereas at sundry times lands and other property have been conveyed by devise, or by deed of gift, or by deed of bargain and sale, or by other deed or instrument, in trust for the use and benefit of the church, some of which deeds or instruments or devises are defective, as not containing necessary directions for the appointment of successors for the trusts respectively created, or as being in other respects not accordant with such rules and usages, or as not providing for the sale or other disposition of the lands or property for the use and benefit of the church, when not required for the immediate object contemplated in such deed or instrument, from which defectiveness inconveniences have arisen, or are liable to arise, and which it is necessary to remedy, and in the future to prevent: and whereas the Act of the 15th Victoria, chapter eighteen, intituled "An Act to incorporate in Prince Edward Island the people called Bible Christians," has been found totally impracticable, and the trustees named therein have been unable to act thereunder, and it is deemed expedient to repeal it, and make other provisions in its place, to carry out the objects aforesaid: Be it

therefore enacted by the Lieutenant Governor, Council and Assembly, as follows :

I. The said Act of the fifteenth Victoria, chapter eighteen, shall be, and the same is hereby repealed, and its provisions shall, for all purposes, be hereafter deemed never to have any force or effect, so as to have changed or affected the title to any lands in this Island, or otherwise howsoever ; and the provisions hereinafter contained shall operate instead of the said recited Act.

Repeals 15th Vic. cap. 18.

Provisions of this Act to operate instead of repealed Act.

II. Each board of trustees of any chapel, mission house, school-house, burial ground, piece of land, or other property, held in trust for the use or benefit of such church, and their successors, and each board of trustees hereafter appointed for such purposes, and their successors, shall be a body corporate, having perpetual succession, by the name of "the trustees of the Bible Christian chapel or burial ground," or other property, as the case may be, in the place in which the trust property shall be situated ; or by such other name as is or shall be mentioned in the trust deed, or in any other act or instrument by which the trusts respectively are or shall be created ; and shall be capable of taking, holding, and possessing lands, tenements, moneys, and other property heretofore conveyed, or to be hereafter conveyed, for the benefit of such trusts respectively ; and of suing and being sued in any of her Majesty's courts of law or of equity ; and shall have and exercise all the rights, powers and privileges incident to a body corporate, according to the laws of this Island, any thing in the statutes of Mortmain, or in any other Acts or statutes, to the contrary notwithstanding.

Each board of Bible Christian trust property to be a body corporate, &c. ;

and shall be capable of holding lands, &c.

III. The Bible Christian Ministers now in this Island, and being members of a district meeting, and their successors, and such ministers and laymen as shall be hereafter by the authority of the conference constituted a district meeting, and their successors, shall be a body corporate, having perpetual succession, by the name of "the Bible Christian district meeting of the district," as the case may be ; and shall be capable of taking, holding, and possessing lands, tenements, moneys, and other property, for the use and benefit of said church, or of any portion thereof, or for the establishment of any funds or institutions which are now or may be hereafter required for the purposes of the church, or of any portion thereof, or for the purposes of the conference ; and shall have authority respectively, and from time to time to make laws and regulations for the management of such funds and institutions, not at variance with the laws of this Island ; and of suing and being sued in any of her Majesty's courts of law or of equity ; and shall have and exercise all the rights, and

Bible Christian ministers and laymen, constituted a body corporate.

Name, &c. of corporation.

Liabilities and privileges.

powers, and privileges incident to a body corporate, according to the laws of this Island, any thing in the Statutes of Mortmain, or any other Acts or statutes, to the contrary notwithstanding; and lands and other property that have been, or shall be given, granted, or devised, for the use or benefit of the church, or any of its institutions, shall be held to be vested in the district meeting corporation, or to be vested on special trusts, under the other corporate authority hereby created, accordingly as by the known and established rules or usages of the church, they ought to be subjected to the management of one trust or the other.

Provision in case of lands, &c., given or devised to church, where there is a want of or defect in trustees.

Trustees how appointed in such case.

Rights and privileges of trustees so to be appointed.

Trustees and district meet-

IV. Where, in any case, lands, tenements, moneys, or other property, or any right or interest therein, or use thereof, has been, or shall be given or conveyed, or intended to be given or conveyed, by grant, or devise, or otherwise, for the use or benefit of said church, or of any portion thereof, and no proper provisions have been, or shall be made for the appointment of trustees, or of successors in the trust, or such provisions have been, or shall be made as are not in accordance with the rules and usages of said church, or a vacancy or vacancies in the trust have been, or shall be occasioned by death or otherwise, and shall not have been duly filled by the appointment of a successor or successors before the passing of this Act, in any such case now existing, or which shall hereafter arise, the superintendent of the circuit in which such trusts existed, or if the property be in a place not under the charge of a superintendent, then the superintendent of the district shall, as soon as convenient, appoint, or cause to be appointed, the requisite number of trustees, or of successors to the former trustees; and the trustees so appointed and their successors, shall be the lawful trustees of the trusts respectively; and shall have, and exercise all the rights and privileges pertaining to such trustees, with the corporate privileges conferred, or intended to be conferred on trustees by this Act; and when in any place where lands have been, or shall be held in trust by, or for the use of the members of said church, for a chapel, school, mission house, or other purposes, there shall be no remaining Bible Christian Society, and it shall be impracticable to fill up vacancies in the trust in the manner specified in the deed, the superintendent of the district shall have authority to appoint successors to the trust, being members of the said church, who shall have authority, with the consent of the conference, to sell, or otherwise dispose of the said lands and their appurtenances, and to apply the proceeds thereof, after the payment of any debts due thereon, to the erection of chapels, schools or mission houses, in such other parts of this Island as the conference or district meeting shall direct.

V. The trustees and district meetings hereby incorporated, or authorized to be incorporated, and their successors, shall

hold and exercise the rights, powers and privileges connected with their respective trusts, in accordance with the rules and usages from time to time passed or established by or by authority of the conference.

ings shall hold and exercise rights, &c., in accordance with usages, &c. of conference.

VI. The trustees of any lands held, or to be held for a chapel or burial ground, or mission house, or school house, or other building, for the use of said church, or any portion thereof, shall keep a book of records, in which shall be entered the appointment of any successor or successors in the trust; and the person or persons so appointed shall be entitled, in connection with the then surviving or remaining trustees, to hold and possess the lands, and all the appurtenances thereof, on the tenure vested in the original trustees, without any deed or conveyance, or assignment being made to them — any provision in the original trust deed, or in any Act, statute or instrument, to the contrary notwithstanding; and the production of such entry in the book of records, or any authenticated copy thereof, or other sufficient proof thereof, shall be sufficient evidence of the appointment of such successor or successors, in any of Her Majesty's courts of law or equity, and of his or their possession of coordinate rights and privileges with the other trustees from the time of his or their appointment.

Trustees to keep a book of records.

Production of entry in book of records sufficient evidence of appointment of new trustees.

VII. If, at any time after the passing of this Act, a conference of Bible Christian Ministers shall, by authority of the conference hereinbefore mentioned, be organized in this Island, or in any of the adjacent provinces, with ecclesiastical jurisdiction over the Bible Christian ministers and societies in this Island, then all the rights, powers and privileges by this Act granted to the district meeting, or district meetings, shall be thenceforward vested in the conference so organized; and the lands, tenements, moneys, or other property at such time held by the district meeting or district meetings, shall be vested in the conference so organized, for the same use and benefit for which they shall have been received and held by the district meeting or district meetings.

Where and when the powers, &c., of this Act shall vest in general conference.

VIII. After the organization of such conference the words "rules" and "usages" in this Act shall be held to refer to and include such rules and usages as shall thenceforward be made or sanctioned by the conference so organized.

Construction of words "rules" and "usages" in this Act.

IX. The annual value of lands held by any board of trustees incorporated hereunder shall not exceed at any time two hundred pounds, exclusive of lands held for chapels, school houses, mission houses and burial grounds.

Limits value of lands to be held by any board of trustees.

X. The annual value of lands in this Island, to be held by any district meeting or conference, incorporated hereunder, shall not exceed at any time the sum of two thousand pounds.

Value of lands to be held by district meeting.

PRIVATE AND LOCAL ACTS.

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

CAP. VII.

An Act relating to accidents by fire in Summerside, and for the removal of nuisances from the streets thereof.

[Passed April 1, 1858.]

WHEREAS it is necessary to provide for the prevention of accidents by fire in Summerside, and for the removal of nuisances from the streets and thoroughfares of the said place: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, that is to say:

I. For the purposes of this Act Summerside shall be comprised within the following boundaries, that is to say: commencing at the south-west angle of a tract of land in possession of Robert Ellis, on the shore of Bedeque harbor, thence following the course of the western boundary of said tract north-eastwardly for the distance of forty chains, thence by a right angle line westwardly until it meets a line running north-eastwardly from the mouth of Henry's Creek, on said shore, which line shall be parallel to the westwardly line of the said Robert Ellis, thence to the mouth of said creek, thence following the various courses of said shore south-eastwardly to the place of commencement, including wharfs and water lots.

Defines limits
of Summerside
for the purposes
of this Act.

Senior Justice
in district to

II. The senior Justice of the Peace residing at Summerside is hereby requested, yearly and every year, during the

continuance of this Act, to convene a public meeting of the inhabitants of the said place for the purposes of this Act; the first meeting to be held at the hour of twelve o'clock, noon, at a place to be named by such Justice, on the first Wednesday in May next after the passing hereof, and so on every first Wednesday in May in every year during the continuance of this Act; and the said Justice shall give, or cause to be given, at least ten days' notice of the time and place of such meeting, and shall publish such notice by posting the same in three or more public places in the said place.

convene annually a meeting of inhabitants.

Requisites of notice, and mode of publishing same.

III. The inhabitants of said place shall assemble at all such meetings at the time and place to be named as aforesaid, and there a majority of such inhabitants attending such meeting shall elect seven fit and proper persons—five of whom shall be a quorum—to act as assessors and firewardens for the said place; and every male inhabitant of said place, being of the age of twenty-one years and upwards, and who shall have been a resident householder in the said place for at least six calendar months previous to the day of holding any such meeting, and also, owners of property for said period of six months, and who shall be liable to be rated or taxed under this Act, shall be entitled to vote at such meeting.

Inhabitants to elect seven persons to act as assessors and firewardens.

IV. When any vacancy or vacancies shall occur in the office of assessor or firewarden by death, removal, or otherwise, the senior Justice of the said place, upon a requisition in writing signed by not less than five of the inhabitants as aforesaid, shall convene a public meeting at such time and place as he may see fit, for the election of a fit and proper person or persons to fill such vacancy or vacancies.

Mode of filling up vacancies in office of assessor or firewarden.

V. The assessors shall have power to assess the inhabitants and owners of property in said place in a sum not exceeding the sum of fifty pounds in any one year.

Amount of assessment.

VI. The assessors shall, at their first and subsequent annual meetings, appoint a treasurer of the fund contemplated to be raised by the provisions of this Act as aforesaid, and likewise a collector who shall also act as clerk, and keep a journal of the assessors' proceedings—which collector shall be sworn by the senior magistrate faithfully to perform the duties of his office; and shall, within a certain time to be named by the assessors, give public notice of his appointment, and of the amount of assessment to be paid by every inhabitant of the said place, and also by the owners of property therein.

Assessors to appoint treasurer and collector, &c.

Duty of such collector, &c.

VII. The said collector shall, at a time and in manner to be pointed out by the assessors, account to the treasurer for all moneys received by him as such collector, and shall, when required by the assessors, submit the accounts of all moneys

Collector to account to treasurer, as ordered, &c.

in his hands to the inspection of such assessors, who shall examine and audit such accounts.

Mode of recovering assessment imposed, &c., before Justice, &c.

VIII. Any assessment imposed in pursuance of this Act, shall, in default of payment, be sued for and recovered by the collector before any one of the nearest Justices of the Peace; and on judgment being given against any person in arrear for such assessment, or any part thereof as aforesaid, execution shall issue against the goods and chattels of such person for the amount of such judgment; and if no goods and chattels be found whereon to levy, such person shall, by order or warrant of such Justice, in the usual manner, be committed to the County jail for a period not exceeding ten days.

Collector and treasurer to give security for performance of duties.

IX. The collector and treasurer shall give good and sufficient security, in a sum not less than fifty pounds, to the assessors of the said place, for the due performance of their respective duties; which said bonds shall be deposited in the office of the deputy prothonotary for Prince County, by the chairman of the assessors, within ten days after the treasurer's and collector's appointments respectively, under a penalty of five pounds; and the said assessors may allow the treasurer and collector such poundage as they shall see fit, not exceeding the sum of twelve *per centum*, apportioned between the said two officers; and the assessors shall, at their discretion, dismiss either or both of such officers, and appoint others in their place.

Remuneration to treasurer and collector.

Penalty on collector or treasurer for neglect of duty, &c.

X. If the collector or treasurer shall neglect to perform his duty, or shall not account or hand over the said moneys so received by him when thereunto required by the assessors, he shall forfeit and pay a sum not exceeding five pounds; and such collector shall also pay over all such sums of money as he may have received from time to time for fines and forfeitures under this Act, within five days after the receipt of the same respectively, under a penalty of two pounds; the said fines to be sued for and recovered by the chairman of the assessors in manner directed by the eighth section of this Act.

Fine on person refusing to act as assessor, &c.

XI. If any of the said assessors or firewardens shall refuse to serve in their respective offices when elected, each and every person so refusing shall forfeit and pay a fine not exceeding two pounds, to be sued for and recovered by any Justice of the Peace for Prince County.

Duty of treasurer and collector at annual election of assessors, &c.

XII. At every annual election of assessors and firewardens as aforesaid, it shall be the duty of the treasurer and collector for the past year, and they are hereby required, severally, to deliver and pay over to their successors in office all books of account, papers, documents, and moneys in their hands; and on refusal so to do, he or they shall be liable to a fine of twenty pounds.

XIII. All sums of money raised, and fines and penalties recovered under and by virtue of this Act, shall be applied by the said assessors for the purposes of clearing and draining the site of the said place, erecting pumps, and procuring such engines or implements as may be deemed necessary to prevent accidents by fire, and in necessary repairs on the streets, and generally for the improvement of the said place, and the comfort of the inhabitants thereof.

Application of moneys raised under this Act.

XIV. The tenant or occupant of every house in the said place, of the yearly value of five pounds and upwards, shall be provided with and keep one leathern bucket, capable of containing not less than two gallons, with the owner's name painted thereon; which bucket shall be kept hung up in the passage, or hall, or entry of such house, under the penalty of five shillings for every time the said bucket shall not be found hung up in its proper place when the house shall be visited by the firewardens; and the said tenant or occupier, within three months after the passing of this Act, shall provide a ladder or ladders, corresponding to the height of his house, sufficient to enable water to be carried to any part of the same in the event of fire.

Leathern bucket to be kept by occupants of houses, &c.

Occupant to provide ladders

XV. Three, at least, of the said firewardens, being the first, second, and third in the order of their appointment, shall, once in every six months, visit each house within the said place, and inspect the buckets and ladders required by this Act, under a penalty of five shillings upon each and every such firewarden for each and every house he shall neglect to visit; and each and every such firewarden, who shall think fit, may visit any house in the said place once a month to inspect the water buckets and ladders so required by this Act; and any housekeeper refusing to produce such bucket or ladder, shall, for every such refusal, incur the penalty of five shillings.

Duties of firewardens, and penalty for neglect, &c.

Firewardens may visit houses once a month

XVI. Every chimney that shall or may be used in the said place shall be regularly swept once in three months, between the first day of May and the thirtieth day of April, during the next ensuing year, and every such year thereafter, under the penalty of two pounds for each and every offence.

Chimneys, when to be swept.

XVII. Any housekeeper in the said place who shall collect or keep any hay, straw or flax in any part of a dwelling house, or shall collect or keep ashes on a wooden floor, or in a wooden vessel in the said house, or any outhouse attached thereto, shall pay ten shillings for every such offence.

Penalty for keeping hay, &c., in dwelling house, &c.

XVIII. No stove-pipe in the said place shall be passed through any partition of wood, or of wood and lime, unless there shall have been left five inches clear between the pipe and partition, or floor, or roof; and which pipe shall be sur-

Mode of placing stove-pipes and also close stoves.

rounded with stone or brick, or a sheet of iron, tin or copper, which shall be nailed to every such partition, roof or floor; and close stoves shall be fixed and set up in such a manner as that in all cases there shall be at least eighteen inches in every direction, except the bottom, from any wainscot, laths or wooden partition, through or alongside of which the same may be placed, or if at a less distance, then the wall or partition shall be well and securely protected with sheet iron or tin, to the satisfaction of the firewardens; and any person offending in the premises shall incur a penalty of twenty shillings; and the firewardens are hereby required to pay due attention to this clause at the time or times of the several inspections herebefore mentioned.

Duty of inhabitants and firewardens on breaking out of fire.

XIX. On the breaking out of any fire all the inhabitants of the said place shall be bound to give their assistance to the firewardens, or any of them, who are hereby severally empowered to require the assistance of any inhabitant, for the purpose of securing or removing any property, and for extinguishing any such fire, or impeding the further spreading thereof; and any person refusing or wilfully neglecting to assist shall pay a fine of ten shillings.

Orders on the treasurer to be signed by five assessors, &c.

XX. All orders for any work, or for any engines or implements which the assessors may deem necessary to draw on the treasurer, shall be signed by at least five of the assessors, and paid by the said treasurer, if in funds, on demand, under a penalty of five pounds.

Commissioner of highways for the district to appoint overseers of streets, &c.

XXI. The commissioner of highways for the time being, for the district comprising Summerside, shall have power, and is hereby required, to nominate and appoint, within fourteen days after the passing of this Act, and from thence annually, on or before the first day of May in each and every succeeding year during the continuance of this Act, any number of persons, in his discretion necessary, whose duty it shall be to oversee the state of the roads, streets and thoroughfares within the said place, or the wards or districts to which they shall be respectively assigned, and to cause the said streets and thoroughfares in the said place to be kept free and clear of all nuisances and obstructions whatsoever.

Inhabitants, &c to keep gutters, &c., in front of their houses, &c., free from nuisances.

XXII. Any person, being an inhabitant of Summerside or a proprietor therein, shall keep the gutters and streets before the houses, buildings and lands occupied or possessed by him free from nuisances; and every person, being the occupier of the house and premises nearest to which any nuisance shall be thrown or deposited, and who shall suffer the same to continue for the space of six hours, between sunrise and sunset, shall forfeit and pay, for every day such nuisance shall be allowed to continue, a sum not exceeding ten shillings; and every per-

son who shall place any nuisance on any street or thoroughfare in the said place, shall be subject to a penalty of ten shillings, together with the expense of removing the same, incurred by the overseer; provided always, that nothing herein contained shall be construed to extend to prevent any person who may be erecting or repairing any building from causing to be placed on the street or thoroughfare next the site of such building any materials required in the construction or repair of such building, so that the same do not extend further than thirty feet from the line of the street or streets or thoroughfares; and shall be enclosed within a fence of not less than four feet in height; and that such materials or fence shall in no manner obstruct the free course of the water in the gutters of the said street or streets and thoroughfares.

Proviso with respect to building materials, &c.

XXIII. If any carriage or vehicle, placed in any street or thoroughfare in the said place, without any beast of burden being attached thereto, and which shall have been suffered to remain in that situation for the space of two hours, or left in any street or thoroughfare after sunset, the owner or owners of any such carriage or vehicle, shall, for each offence, forfeit and pay a sum not exceeding five shillings.

Owner of carriage left in street, &c., subject to a penalty

XXIV. Any person breaking up any portion of the streets or thoroughfares of the said place, either under public contract or by direction of the assessors of the said place, or at their own private costs, for the purpose of opening, laying down or making any sewers or drains below the surface, shall be obliged to enclose such sewer or drain; and the materials thrown up or deposited for such work, within a fence not less than four feet in height, under a penalty not exceeding two pounds and costs; and any person removing the earth from the streets or thoroughfares in the said place, unless directed so to do by proper authority, shall be liable to the penalty and costs by this section imposed.

Any person breaking up portion of streets, &c., under authority, &c., to enclose same, under penalty for neglect.

XXV. The overseers shall, during their continuance in office, be exempt from statute labor; and in case any overseer shall refuse to accept his appointment, or shall neglect or delay to prosecute for any of the penalties which this Act requires him to do, or in any other respect neglect to perform his duty under this Act, each and every overseer so offending shall forfeit and pay a fine of twenty shillings for every such neglect; and such fine shall be paid to the treasurer of the said place.

Overseers exempt from statute labor.

XXVI. Any fine or penalty imposed by this Act shall be sued for and recovered in the name of any inhabitant of the place, qualified to vote at the annual election hereinbefore mentioned, before any Justice of the Peace in Summerside, or the nearest Justice of the Peace resident thereto; and if

Mode of suing for fines under this Act.

If no goods, &c. then party of-fending to be committed to jail, &c.

Parties ag-grieved by judgment of justice may ap-pel to Supreme Court.

judgment shall be given against any person for any such fine or penalty, the amount thereof, with costs, shall be recovered by warrant of distress in the usual manner against the goods and chattels of the delinquent; but if no goods and chattels of such person be found whereon to levy, then he shall be committed to jail by order or warrant of such Justice, there to remain for a period not exceeding one month.

XXVII. If any person shall conceive himself to be aggrieved by any judgment given by any Justice of the Peace under the provisions of this Act, an appeal from such judgment, if required by such person, shall be allowed in manner and form and by his complying with the provisions of any Act or Acts for the time being in force relating to the recovery of small debts.

Continuance of Act.

XXVIII. This Act shall continue and be in force for five years from the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer.

CAP. X.

Amended by 23 Vic. c. 19.

An Act to prevent the running at large of swine in Summerside and vicinity.

[Passed April 1, 1858.]

WHEREAS it is deemed expedient to prevent the going at large of swine within Summerside and vicinity:

Senior Magistrate in Summerside to appoint ten persons to be hog reeves, &c.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, as follows: The senior magistrate for the time being, resident in Summerside, is hereby required and directed to appoint ten fit and proper persons, on or before the first day of May next, and on or before the first day of April in each succeeding year, to act as hog reeves within the school districts of Summerside, Saint Eleanor's, Richmond, Wilmot and Platt, as at present defined and registered in the books kept by the Secretary of the Board of Education for the purpose of registering the school districts in this Island; and whose duty it shall be to seize and take up any swine going at large beyond the premises or enclosures of the owner or owners within the said school districts, as before named, and to sell and dispose of the same at public auction;* and all persons in any way or manner obstructing the said hog reeves in the execution of their duty shall forfeit and pay a fine not exceeding two pounds, and not less than five shillings; such fine to be recovered on the oath of any such hog reeve, or of one or more credible witness or witnesses, before any one or

Duty of such hog reeves.

Penalty on persons obstructing hog reeves, &c.

*By the 23d Vic., c. 19, forty-eight hours' notice of this sale must be given, in manner therein pointed out.

more of Her Majesty's Justices of the Peace for Prince County; and to be levied, in default of payment, by warrant of distress on the goods and chattels of the offender or offenders; and if no such goods and chattels can be found whereon to levy such fines, the said Justice or Justices shall commit the said person or persons, liable to such fine for so obstructing such hog reeve as aforesaid, to the county jail for a period not exceeding ten days.

If no goods and chattels whereon to levy, offender to be committed to jail, &c.

II. Any person so to be appointed hog reeve within the said districts, as before described, and who shall refuse to serve, or neglect to perform the duties of his office, in not taking up all swine going at large as aforesaid within the said districts, or in not disposing of the same in manner therein prescribed, shall forfeit and pay for every such refusal or neglect the sum of twenty shillings,* to be recovered in manner last aforesaid: provided always, that no person appointed hog reeve as aforesaid shall be liable to serve as such more than once in every three years.

Penalty on person appointed hog reeve refusing to serve, &c.

III. All fines and forfeitures recoverable under this Act, excepting the fine imposed by the second section, after deducting all costs and expenses incurred, shall be disposed of in manner following: one half to the person who shall prosecute for the same, and the remaining moiety shall be paid to the said senior magistrate, and by him to the commissioner of highways for the district, to be applied towards the repairs of the streets and roads in the said districts as aforesaid.

Appropriation of fines, &c. recoverable under this Act.

IV. This Act shall continue and be in force for five years, and from thence to the end of the then next session of the General Assembly of this Island, and no longer.

Continuance of Act.

* This fine, when recovered, is to be paid into the treasury. See 23 Vic. c. 19, sec. 2.

PRIVATE AND LOCAL ACTS.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

CAP. III.

An Act to extend the criminal jurisdiction of the Police Court, in the city of Charlottetown.

[Passed May 19, 1859.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :

Extends the jurisdiction of the Police Court of Charlottetown to larcenies, in certain cases.

Police Court may send offender to Supreme Court.

Police Court have power to admit to bail persons accused &c.

I. The Police Court of the City of Charlottetown shall have power to hear and determine, in a summary manner, all larcenies committed within the limits of the said City, and the receiving of stolen goods, where the value of the goods taken or received shall not exceed ten pounds, and to punish the offender by fine not exceeding ten pounds, or by imprisonment, with or without hard labor, not exceeding six months : provided always, that it shall be in the power of the person accused, to elect to be tried at the Supreme Court in the usual way ; and the said Police Court is hereby required to notify each offender of such power immediately before the trial of such offender : provided also, that the said Police Court, instead of proceeding to try such larceny, shall, if it shall see fit so to do, send the offender for trial to the said Supreme Court.

II. The said Police Court shall have power to admit to bail any person charged with larceny under this Act, in all cases where by the laws heretofore in force, such person would

be entitled to bail, and to take the recognizance of bail for the appearance of such person at such day as the said Court shall appoint for the trial of such person.

III. Every person to be tried under this Act shall be at liberty to be heard by counsel learned in the law, in his defence.

Accused may be heard by counsel, &c.

IV. The said Court may make and enforce any order for the restoration of any property, either to the prosecutor or to the accused, as the right shall appear to the said Court, except always in such cases as are now by law excepted respecting valuable securities or negotiable instruments *bona fide* received or discharged by third parties not implicated in such larceny.

Police Court may order restoration of property.

V. All fines received or levied under this Act, shall be paid to the city treasurer, and shall form and become part of the funds of the said City.

All fines levied under this Act to become part of city funds.

CAP. VI.

An Act to incorporate the trustees of the Baptist Church at Bedeque.

[Passed May 19, 1859.]

WHEREAS a certain body of Christians in this Island, called Calvinistic Baptists, hold land as a site for a meetinghouse built thereon, and there being no provision made in the laws of this Island by which a number of persons holding trust for such purpose, can have perpetual succession, or a sole legal existence or representation in any Court of law or equity: Be it therefore enacted by the Lieutenant Governor, Council and Assembly:

I. That from and after the passing of this Act, the following persons, that is to say, Philip Baker, Solomon D. Schurman, Joseph Bradshaw, Artemas Hooper, and Albert Casswell, and each and every one of them, so long as they respectively continue members of the said Calvinistic Baptist Church at Bedeque, and all and every person or persons who, at any time or times hereafter, shall be chosen upon any vacancy in the said trust, and in the manner hereinafter mentioned, to supply the same, shall be and be deemed, to all intents and purposes whatsoever, the trustees of and for all and singular the estate, real and personal, of the said Baptist Church, or for the use and benefit thereof now obtained or possessed by, or belonging to the said Baptist Church, or any in trust therefor, or hereafter to be obtained by or conveyed to the said trustees or their successors, for the benefit and purposes of the

Persons incorporated, to form continuing board of five members, &c.

said Baptist Church ; and the said persons and their successors shall constitute and form one continuing trust or board of five members, to be called the trustees of the Calvinistic Baptist Church, at Bedeque, and shall be a body politic and corporate in name and in deed, by the style aforesaid, and shall have perpetual succession and a common seal, with power to break, change, and alter the same at pleasure.

To have a common seal.

Vacancy occurring by death, &c., how to be filled up.

II. And be it enacted, That when any vacancy in the said trust shall arise by death, resignation, or otherwise, that the pastor of the said Baptist Church, (or the minister for the time being), shall give notice that a meeting of the said Church shall be held on a given day for the election of one or more trustees to fill up the said vacancy or vacancies, who, in all cases, shall be members of the said Baptist Church ; and that the said notice shall be given in the Baptist meetinghouse, in Bedeque, immediately after divine service on the mornings of the four Sabbaths next preceding the said meeting, and the choice of the said trustee or trustees shall be determined by the vote of the majority of the male members of the said church then present, being of the age of twenty-one years or upwards.

Trustees may bring or defend actions, &c., by their name of office, &c.

III. And be it enacted, That the said trustees hereby appointed, and their successors, shall and are hereby authorized and empowered in their name of office, to bring or defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in law or equity touching or concerning the lands, real or personal estate, debts, claims, rights and property of the said trustees as such, or of the said Baptist Church at Bedeque ; and the said trustees, by their said name of office, shall and may, in all cases concerning the said lands, or other real or personal estate vested in them, debts, claims, rights and property of the said board of trustees or of the said Baptist Church whatsoever, sue and be sued, implead and be impleaded ; and no such suit, action or prosecution shall be discontinued or abated by the death of any such trustee, or on his ceasing to be such trustee, but shall and may be proceeded in by the remaining trustee or trustees for the time being ; any law, usage or custom to the contrary notwithstanding ; and the trustees for the time being shall pay or receive the like moneys, costs and expenses, as if the action or suit had been prosecuted by individuals, and for the benefit of or to be reimbursed from the trust funds of the said Baptist Church.

No action to abate by death of trustee, &c.

Trustees, &c. may contract for and purchase lands in fee simple, &c.

IV. And be it enacted, That it shall and may be lawful for the trustees for the time being, to be appointed by or in pursuance of this Act, or the major part of them, and they are hereby empowered in their several names, and under their designation of the trustees of the Baptist Church at Bedeque,

to contract for and purchase, or in any lawful mode, whether by demise, bequest or otherwise, to acquire or obtain either in fee simple or for any life or lives, or for term or terms of years, for the benefit or purposes of the said Baptist Church, any messuages, lands, tenements, buildings or hereditaments, real or personal estate whatsoever, in this Island, and to take and receive the necessary and legal conveyances, leases, deeds, assignments, devises or other transfers thereof, respectively to hold for, upon, under and subject to the uses and purposes in this Act mentioned; and that the said messuages, lands and tenements, with the appurtenances, shall be and remain vested in the said trustees: subject nevertheless, in all cases to be used and disposed of according to the decision of the majority of the male members of the said Baptist Church for the time being, of the age aforesaid.

To be used according to decision of majority of male members of said Church.

V. And be it enacted, That it shall and may be lawful for the said trustees for the time being, and they are hereby authorized and empowered to grant, sell, exchange, mortgage, lease, convey or dispose of to such person or persons as the majority of the said male members of the said Baptist Church shall think proper, and for such prices, sums, rents or terms as shall be agreed upon, as well all or any part of the said lands, hereditaments and premises now held or hereafter to be conveyed to or held by the said trustees for the time being, as all or any of the personal estate and property of the said trustees, or Baptist Church, for the time being, and to such extent and such proportions, and at such times as the trustees for the time being shall think proper, to exchange, sell, mortgage, lease, convey or dispose of the same; and every such deed, mortgage, lease or conveyance thereof executed by the trustees for the time being, in their name of office aforesaid, under the common seal of the said corporation, shall be sufficient and valid in law to convey to the grantee, mortgagee, lessee or purchaser, or grantees, mortgagees, lessees or purchasers, respectively, either in perpetuity or by way of mortgage or lease for years, or otherwise, as the case may be, all such estate, title and interest therein, as the said trustees and corporation, or the said Baptist Church, now have or are entitled to, or they shall hold or be entitled unto or into, or out of any such real estate or property whatsoever, now held, or hereafter to be obtained, so granted, mortgaged, leased or disposed of, or as the said trustees for the time being, and corporation on behalf of the said Baptist Church, can lawfully by such deed, mortgage, lease, or conveyance, respectively, vest in the grantee, mortgagee or lessee named therein.

Trustees, &c. may exchange, lease, convey, mortgage, &c. real and personal estate vested in them.

Deed executed by trustees, sufficient to pass estate to grantee, &c.

VI. And be it enacted, That the said corporation shall retain or be paid and allowed, out of the trust funds, all reasonable costs, charges and expenses incurred in and about the

Corporation to be allowed reasonable charges out of the trust funds.

Corporation not to hold real estate of greater value than £300 st. per an.

trust aforesaid: provided always, that it shall not be lawful for the said corporation to hold real estate for the use of the said church, which shall exceed in value and yield at any time more than a clear net yearly income of three hundred pounds sterling.

Nothing in this Act to affect the rights of Her Majesty, &c.

VII. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way the rights of her Majesty, her heirs or successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned.

This Act to be deemed a public Act.

VIII. And be it enacted, That this Act shall be deemed a public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace and ministers of justice, and other persons whomsoever, without being specially pleaded.

CAP. XI.

16 Vic. c. 19.

An Act further to amend the Act incorporating the Charlottetown gas light company.

[Passed May 19, 1859.]

BE it enacted by the Lieutenant Governor, Council and Assembly as follows:

Gas company, with consent of owner of house, &c. may fit up same with gas fittings at the expense of company.

I. It shall be lawful for the Charlottetown gas light company to apply to and obtain the consent of the owner or proprietor, for the time being, of any house or premises in Charlottetown, for the supply, at the expense of the company, of gas-pipes, meters, gasaliers, and other gas fittings, to be fitted, put up, and laid on, in and through the same, in such manner and to such an extent as may be agreed upon by and with such owner or proprietor.

After such consent, servants and workmen of company may enter houses, &c., to put up gas fittings, &c.

II. After any such consent shall have been obtained, and agreement made, it shall be lawful for the said company, its officers, servants and workmen, from time to time, and at all times thereafter, when, in the opinion of the manager of the said company, it shall be necessary so to do, to enter into and upon all houses and premises relative to which such consent shall have been obtained or agreement made, and to lay on and through the same, and fit and put up therein such gas-pipes, meters, gasaliers, and other gas fittings as may be agreed upon and required by the owner or proprietor, and also to repair, refit, add to or renew the same, or to inspect the same, and the meter placed therein, doing no unnecessary damage on such occasions; and such fittings, pipes, gasaliers, and meters shall, nevertheless, when so supplied or laid on, (unless where actually purchased by such owner or proprietor), remain and continue to be the property of such company, and

Gas fittings, &c. to be the property of the company,

may afterwards be at any time again removed by it after one month's previous notice thereof, given to the owner or proprietor, for the time being; nor shall any future transfer of or change in the ownership of any such house or premises in any way alter, abridge, or affect the right of property of the said company in and to such fittings, pipes, gasaliers, or meters; nor shall the same be, at any time, liable in any way to be taken in execution, claimed, seized upon, or distrained for any debt, rent, or other liability of or owing by or from any owner, proprietor, claimant, tenant or occupant of such house or premises.

and may be removed at any time.

III. If the owner or proprietor, for the time being, of any house, or other premises, into which any such gas-pipes, meters, gasaliers, or other fittings shall be fitted, or laid on, shall desire to remove or take down the same, he shall be bound to do so with as little damage to them as possible, and forthwith after so doing, to restore and deliver them up in safety into the hands and custody of the managers of the said company.

Owner of house to remove fittings, &c., with as little damage as possible, and to deliver same to manager of company.

IV. After any such gas-pipes, meters, gasaliers, or other fittings, shall have been fitted into any such house or premises, the said company shall be entitled, for such time as the same are in actual use, to demand, recover, and receive from the owner, proprietor, tenant or occupant of such house or premises, remuneration, rent or pay for the use of the same, at the rate of ten *per centum per annum* on the cost price of the gas-pipes, meters, gasaliers, and other fittings laid on or supplied, or any lesser rate as may be agreed upon in addition to the price of the gas consumed, and ordinary rent of gas-meter; such remuneration, rent or pay, to become due quarterly, on such days as the company's accounts shall or may, for the time being, be made up or calculated unto.

Gas company to receive rent for fittings, &c. at the rate of £10 per cent., payable quarterly.

V. In the construction of this Act, the words "owner or proprietor," shall be understood to mean and include owner or tenant in fee simple, tenant for life, in tail, or by the courtesy of England, tenant in dower, mortgagor or mortgagee in possession, and lessee or tenant for an unexpired term of twenty years or upwards.

Meaning of words "owner or proprietor."

CAP. XV.

An Act to incorporate the minister and trustees of the Free Church congregation, Bedeque road.

[Passed May 19, 1859.]

WHEREAS it is desirable, for the efficient management of the temporal affairs of the Free Church congrega-

tion, Scotch settlement, Bedeque road, that its minister and trustees be an incorporated body: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows, that is to say:

I. That the Reverend Alexander Sutherland be, *ex officio*, and Allan McSwain, John McLeod, Malcolm Gillies, (elders), John McKenzie, Donald McKay, and Donald Matheson, (deacons), and their successors for ever, shall be, and are hereby constituted and declared to be a body corporate, under and by the name of the minister and trustees of the Free Church congregation, Scotch settlement, Bedeque road, and shall continue in office until the first Tuesday in January, in the year one thousand eight hundred and sixty; and they and their successors in office for ever shall have a common seal, with power to break, change, and alter the same, from time to time, as may be found requisite; and shall be in law capable of suing, pleading, defending and answering, and of being sued, impleaded, defended, and answered unto, in all Courts of Judicature, in all manner of actions; and also of contracting and being contracted with, relative to the lands and funds of the said corporation, and the other purposes for which it is constituted, as hereinafter declared; and may establish, put in execution, alter, or repeal such by-laws and regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, as may appear to the said corporation necessary and expedient for the interests thereof, and for these purposes appoint their own chairman and other officers, five members being a quorum in all matters to be done and disposed of by the said corporation.

Name of corporation.

To have a common seal, and to be capable of contracting, &c

Five members to form a quorum.

II. After the passing of this Act, there shall be chosen annually, and on the first Tuesday in January in each year, six persons from among the ecclesiastically constituted office-bearers in the congregation, who shall be, together with the minister of the congregation, or in case of a vacancy, the member of Presbytery appointed to moderate in the session during such vacancy, in lieu of the trustees appointed in this Act, the body corporate of the said congregation.

Six trustees to be annually chosen.

III. The first election under this Act shall take place on the first Tuesday in January, one thousand eight hundred and sixty; and it shall be the duty of the existing trustees, and they are hereby required, to request the minister or moderator of the session, in case of a vacancy, or the clerk of session in case of the minister or moderator's absence, to give notice of such election to the congregation at the time of divine service, on the two Sabbaths next preceding such election, stating the time and place of holding the same, at which time and place the meeting shall choose a chairman;

Election of trustees to take place annually, on the 1st Tuesday in Jan.

all the male adherents in the congregation, from twenty-one years of age, who may hold a pew, or half a pew, and not in arrears, or who may be contributing from ten shillings and upwards, annually, and not in arrears, shall be qualified to vote at such election; and the names of the persons elected, shall be duly recorded on the minute-book of the corporation; any vacancy that may occur during the year, by death or otherwise, shall be filled up by the trustees; such filling up being valid until next annual election, any one or more, or all of the trustees may be reelected, and the election to be in the usual mode of electing in the congregation, by open vote. If it should so happen that the election of trustees should not take place on the first Tuesday in January, then the existing trustees shall continue in office till the expiration of the year.

Vacancies occurring between the annual elections, to be filled up temporarily.

IV. The seal of said corporation, and all deeds, books, minutes, vouchers, obligations, securities for moneys, and all and every description of property really and truly belonging to the congregation, shall, immediately after the passing of this Act, come into the custody and possession of the above named trustees, and shall be by them transferred to their successors immediately following them in office as trustees.

Corporate seal, &c., to be in custody of trustees, &c.

V. It shall and may be lawful for the said corporation to contract for and purchase, or in any lawful mode, whether by devise, bequest, or otherwise, to acquire or obtain, either in fee simple, for life, or for any term of years, for the benefit of the said Free Church congregation, any messuages, lands, tenements, buildings, real or personal estate whatsoever, in this Island, and to take and receive the necessary legal conveyances, securities and transfers thereof, and which said messuages, lands, *et cetera*, shall be and remain vested in the said corporation, to be used and disposed of, however, in all cases according to the decision of the majority of the congregation qualified to vote as above, in the election of trustees.

Corporation may purchase lands and personal estate, &c.

VI. It shall not be lawful for the said corporation to hold real estate for the use of the said congregation, which shall exceed in value and yield at any time more than a clear net yearly income of one thousand pounds currency of this Island.

Corporation not to hold real estate of greater value than £1000 *per an.*

VII. It shall and may be lawful for the said corporate body for the time being, and they are hereby authorized and empowered to grant, sell, lease, exchange, mortgage, convey or dispose of to such person or persons as the majority of the qualified voters in the congregation shall think proper, and for such prices, sums, rents, or terms as shall be agreed upon, as well as any part of the said lands and premises now held, or hereafter to be conveyed to or held by said trustees, and

Corporation may sell, exchange, mortgage, &c., real and personal estate vested in it.

to such extent and proportion as the existing trustees shall think proper; and every deed or conveyance thereof executed by the said trustees, in their name of office, under their common seal, shall be valid in law to convey for years or otherwise, all such estate, title and interest as the corporation, or the said Free Church congregation, on the Bedeque road, have or may hereafter have in the same.

CAP. XVI.

An Act to amend the Acts concerning the property of the Methodist Church in Prince Edward Island.

5 Will. 4, c. 5.
17 Vic. c. 16.

[Passed May 19, 1859.]

WHEREAS since the passing of the Acts intituled "An Act concerning the property of the Methodist Society at Charlottetown, and also "An Act for the incorporation of certain bodies connected with the Wesleyan Methodist Church in Prince Edward Island," the ministers of the Wesleyan Methodist Church in Nova Scotia, New Brunswick, Newfoundland, Prince Edward Island and Bermuda, have, by the authority of the British Conference, been organized and constituted a conference, by the name and style of "the Conference of the Methodist Wesleyan Church or connexion in Eastern British America," and it is necessary to confer upon the said conference all power which it was contemplated by the said Acts to confer upon a conference in this Island, and to amend the Acts in other respects: Be it therefore enacted, by the Lieutenant Governor, Legislative Council and Assembly, as follows:

Certain powers vested in the conference of Wesleyan Church in Eastern British America.

I. The power and authority conferred by the said Acts upon the Methodist Church in this Island shall be vested in the Conference of the Wesleyan Methodist Church or connexion in Eastern British America, and the lands, tenements, moneys or other property held by the district meeting or district meetings of the said Church shall become the property of, and be vested in, the Conference of the Wesleyan Methodist Church or connexion in Eastern British America aforesaid, for the same use and benefit for which they shall have been previously received and held by any such district meeting.

Appointment, &c. of said conference, to be binding in this Island.

II. Any appointment made, or other act done, or order, judgment, or resolution of the said conference, passed or determined at any meeting held in any place in either of the Provinces of Nova Scotia, New Brunswick, Newfoundland, Prince Edward Island, or Bermuda, shall be as binding and obligatory in this Island as if passed within this Island, when

certified under the hand of the President and Secretary of the conference, or any persons acting in their stead.

III. A copy of any such minutes of appointment, act, order, judgment or resolution certified and signed by the president, or acting president, secretary or acting secretary, verified by an affidavit of a credible person that it was signed in his presence, or, that being acquainted with the handwriting of such president and secretary, he verily believes the signatures to be their proper handwriting respectively, and also that the persons signing are the president and secretary respectively, or were acting as such, shall be evidence of such appointment, act, order, judgment or resolution of the Conference in any proceeding whatever, and in any court in this Island.

A copy of minutes of appointment, &c. shall be evidence of such appointment in any Court in this Island.

IV. Affidavits may be sworn before a Commissioner of the Supreme Court, or Justice of the Peace.

Before whom affidavit to be made.

V. For the purposes of the said recited Acts and this Act, the words "rules and usages" shall be held to refer to such rules and usages as have been or may hereafter be sanctioned by the Conference of the Wesleyan Methodist Church or connection in eastern British America.

Reference of the words "rules and usages."

CAP. XVII.

An Act to incorporate the minister and trustees of the Free Church congregation at New London.

[Passed May 19, 1859.]

WHEREAS it is desirable, for the efficient management of the temporal affairs of the Free Church congregation at New London, that its minister and trustees be an independent body: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows, that is to say :

I. That the Reverend Alexander Sutherland be, *ex officio*, and John Sutherland, Angus McKenzie, Adam Mackay, Malcolm McLean, (elders), George McKay, senior, and James Henderson, (deacons), shall be, and they and their successors for ever, are hereby constituted and declared to be a body corporate under and by the name of "the minister and trustees of the Free Church congregation at New London," and shall continue in office until the first Tuesday in January, in the year one thousand eight hundred and sixty, and they and their successors for ever shall have a common seal, with power to break, change and alter the same, from time to time, as may be found requisite, and shall be in law capable of suing, pleading, defending and answering, and being sued, impleaded, defended, and answered unto in all Courts of Judicature, in all manner of actions, and also of contracting and being

Name of corporation.

Corporation to have a common seal, and to be capable of pleading, contracting, &c.

contracted with relative to the lands and funds of the said corporation, and the other purposes for which it is hereby constituted as hereafter declared, and may establish, put in execution, alter or repeal such by-laws and regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, as may appear to the said corporation necessary and expedient for the interests thereof, and for these purposes appoint their own chairman and other officers; and five members shall form a quorum in all matters to be done and disposed of by the said corporation.

Five members to form a quorum.

Six trustees to be annually chosen, &c.

II. After the passing of this Act there shall be chosen annually, and on the first Tuesday in January in each year, six persons from among the ecclesiastically constituted office-bearers in the congregation, who shall be, together with the minister of the congregation, or, in case of vacancy, the member of Presbytery appointed to moderate in the session, during such vacancy, in lieu of the trustees under this Act appointed, the body corporate of the said congregation.

Election of trustees to take place annually on 1st Tuesday in Jan.

III. The first election of trustees under this Act, shall take place on the first Tuesday in January, one thousand eight hundred and sixty, and it shall be the duty of existing trustees, and they are hereby required, to request the minister, or the moderator of session in case of vacancy, or the clerk of session in the case of the moderator or minister's absence, to give notice of such election to the congregation, at the time of divine service, on the two sabbaths next preceding such election, stating the time and place of holding the same, at which time and place the meeting shall choose a chairman; all the male adherents in the congregation, from twenty-one years, who may hold and pay a pew, or half a pew, and not in arrears of rent, or who may be contributing from ten shillings annually, and not in arrears, shall be qualified to vote at such election, and the names of the persons elected shall be duly recorded on the minute-book of the corporation: any vacancy that may occur among the trustees during the year, by death or otherwise, shall be filled up by the trustees, such filling up being valid until next annual election: any one, more, or all of the trustees in office at the time of the annual election, may be reelected, and the election to be in the usual mode of electing office-bearers in the congregation, by open vote.

Vacancies occurring among trustees, between the annual elections, to be filled up temporarily.

Corporate seal &c. to be in custody of trustees

IV. The seal of the said corporation, and all deeds, books, minutes, vouchers, notes, obligations, securities for moneys, and all and every description of property, really and truly belonging to the congregation, shall, immediately after the passing of this Act, come into the custody and possession of the above named trustees, and shall be by them transferred

to their successors immediately following them in office as trustees.

V. It shall and may be lawful for the said corporation to contract for and purchase, or in any lawful mode, whether by devise, bequest, or otherwise, to acquire or obtain either in fee simple, for life, or any term of years, for the benefit of said Free Church congregation, any messuages, lands, tenements, buildings, real or personal estate whatsoever, in this Island, and to take and receive the necessary legal conveyances, securities and transfers thereof, and which said messuages, lands, *et cetera*, shall be and remain vested in the said corporation, to be used and disposed of, however, in all cases according to the decision of the majority of the congregation qualified as above to vote in the election of trustees.

Corporation may purchase lands or personal estate, &c.

VI. It shall not be lawful for the said corporation to hold real estate for the use of the said congregation, which shall exceed in value and yield at any time more than a clear net yearly income of one thousand pounds currency of this Island.

Corporation not to hold real estate of greater value than £1000 per an.

VII. It shall and may be lawful for the corporate body for the time being, and they are hereby authorized and empowered to grant, sell, lease, exchange, mortgage, convey or dispose of to such person or persons as the majority of the qualified voters in the congregation shall think proper, and for such prices, sums, rents or terms as shall be agreed upon, as well as any part of said lands and premises now held, or hereafter to be conveyed to or held by said trustees, and to such an extent and proportion as the existing trustees shall think proper; and every deed or conveyance thereof, executed by the trustees in their name of office, under their common seal, shall be valid in law, to convey for years or otherwise, all such estate, title and interest as the corporation, or the said Free Church congregation at New London have, or may hereafter have, in the same.

Corporation may sell, exchange, &c. real and personal estate vested in it.

VIII. If it should so happen that no election of trustees should take place on the first Tuesday in January as aforesaid, then the trustees in office shall continue in office until the expiration of the year.

If no election takes place, trustees to remain in office.

PRIVATE AND LOCAL ACTS.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

CAP. VI.

An Act to authorize the appointment of a harbor and ballast master for Hillsborough Bay, and that part of the port of Charlottetown not within the control of the City Council.

[Passed May 2, 1860.]

WHEREAS the Act passed in the twelfth year of the reign of her present Majesty intituled "An Act relating to the duties of the harbor master of the port of Charlottetown, and for the better regulation of the public wharfs therein," has been repealed in part by a by-law or ordinance of the City of Charlottetown, chapter thirty, intituled "A Law defining the duties of harbor and ballast masters and wharfingers, and the rates of wharfage" (passed by the Mayor and Common Council of the said City under the powers vested in them in and by the Act of the eighteenth year of the reign of her present Majesty, intituled "An Act to incorporate the town of Charlottetown,") and the residue of the said first above mentioned Act will shortly expire, and it is expedient to make other provisions in lieu thereof:

Government to
appoint harbor
and ballast

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government, and he is hereby authorized, by and with the advice of Her Majesty's Executive Council,

from time to time, as need shall require, to appoint a fit and proper person to act as harbor and ballast master for Hillsborough Bay, and for so much of the harbor of Charlottetown as is not within the jurisdiction of the Mayor and Common Council of the City of Charlottetown, which harbor and ballast master so to be appointed, shall receive and be paid out of the moneys in the public treasury, the sum of five pounds *per annum* for his services during the time he may hold the said appointment; provided always, that when the person that may be appointed by the Government to the said office, shall be the same individual as that holding the appointment under the City Council of harbor master of the harbor of Charlottetown, the sum to be paid out of the public treasury to such person for his services under this Act, shall be only the sum of two pounds ten shillings *per annum* so long as he shall hold his appointment hereunder, in addition to his salary or allowance from the City Council.

master for
Hillsboro' Bay
&c.

To be paid a
salary of £5.

When salary to
be reduced to
£2 10s.

II. It shall be the duty of the said harbor and ballast master appointed under this Act to cause the buoys within Hillsborough Bay aforesaid, and within that part of the harbor of Charlottetown not within the jurisdiction of the City Council, to be properly laid down, maintained and preserved, and the beacons of the said harbor to be sufficiently affixed and upheld; and for any omission, neglect, or default in such duty, the said harbor and ballast master shall be responsible and be subject therefor to any deduction in his salary, upon order made by the Lieutenant Governor and Her Majesty's Executive Council; provided always, that the said harbor and ballast master shall not be deemed liable for any matter complained of, when the cause of complaint shall appear to be owing only to a want of funds at his immediate disposal.

Ballast master
to lay down
buoys within
Hillsborough
Bay, &c.

III. The said harbor and ballast master is hereby empowered to prevent to the utmost of his power the master or owner of any ship, vessel, lighter or boat, or any other person, from throwing or unloading any stones, gravel, ballast, oyster-shells, rubbish, or any other thing or matter that will not float, into the water within the limits aforesaid; and the said harbor and ballast master is hereby authorized and required to prosecute any person or persons so offending, who shall, upon due proof thereof, upon the oath of the said harbor and ballast master, or any other credible witness, before any one of her Majesty's Justices of the Peace, forfeit and pay for every such offence a sum not exceeding five pounds, with costs; one half part thereof to be paid to the said harbor and ballast master, and the other to be paid into the treasury of the said Island, besides being liable to an action for any damage that any vessel or cargo may sustain thereby.

Harbor master
to prevent the
throwing
stones, ballast,
&c., into the
water.

Fine and costs to be levied on goods of offender.

IV. The said fine or penalty and costs shall and may be levied by warrant of distress and sale of the offender's goods and chattels, or of the boats, apparel or tackle of any ship or vessel, in respect of which, or in respect of the master, owner part owner, or commander of which, any such fine or penalty may have been payable; and if no such goods and chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the party so offending to the common jail of the county for a period not exceeding two calendar months.

Act to continue for 5 years.

V. This Act shall continue and be in force for the space of five years from the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer.

CAP. XVIII.

An Act to prevent the running at large of horses, neat cattle and sheep, within the royalty of Charlottetown.

[Passed May 2, 1860.]

WHEREAS the running at large of horses, neat cattle or sheep, within the royalty of Charlottetown, is attended with injury and annoyance to the inhabitants resident therein.

No beasts to go at large within the Royalty of Charlottetown.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall not be lawful for any such beast or beasts as aforesaid, to go at large within the royalty of Charlottetown aforesaid.

Hog reeves to take up beasts going at large, and impound the same.

II. It shall be the duty of any one or more of the persons annually appointed to serve the office of hog reeve within the said royalty, and they are hereby required to seize and take up any such beast or beasts as aforesaid, found going at large beyond the premises or enclosures of the owner or owners thereof, and impound the same on his or their own premises; and it shall be the duty of such reeve or reeves also to find and provide for such beast or beasts, after the same shall be so impounded, all necessary food, sustenance and shelter until such time as the same shall be sold or reclaimed as hereinafter mentioned.

How hog reeve to proceed in order to sell stray beasts.

III. When any such beast or beasts as aforesaid shall be so seized and taken up, it shall be the duty of the hog reeve or hog reeves as aforesaid, forthwith to notify the owner or owners thereof, if he or they shall be known; and if such owner or owners shall not redeem the same within forty-eight hours after notice thereof shall be so given, or in case the owner or

owners thereof be not known, shall advertise such beast or beasts to be sold at public auction, on the market square in the City of Charlottetown, by giving at least six days' notice to that effect by written or printed handbills, posted up in three or more of the most public places in the said royalty, and also by posting up like notices in at least two places in Charlottetown; one of which notices shall be posted on the market house and the other on the city hall thereof, each of such notices as aforesaid to contain a particular description of such beast or beasts by the marks and apparent age of the same, and also the time and place, when and where the same shall be sold, in case such beast or beasts shall not be previously redeemed by the owner or owners, and the expenses thereon duly paid; provided, that before such sale the said reeve or reeves shall, within two hours before the time named for the same, cause such beast to be duly cried by the bellman in the streets of Charlottetown.

IV. After the expiration of the six days as aforesaid, if such beast or beasts be not in the meantime redeemed by the owner or owners thereof, the said reeve or reeves shall sell and dispose of the same at public auction, to the highest bidder therefor, in accordance with the aforesaid notice; and the proceeds of such sale, when recovered, after deducting the amount of expenses, which shall be according to the scale hereinafter prescribed, shall be paid over to the Secretary of the Royal Agricultural Society, to be paid by him (when demanded) to the owner or owners of the said beast or beasts, if demanded within six months after the sale; and if not so demanded within that time, then to be paid into the treasury of this Island, for the use of her Majesty's government; provided always, that at any time previous to the sale of such beast or beasts as aforesaid, the owner or owners thereof shall be entitled to the delivery and possession of the same upon paying or tendering to the said reeve or reeves having the custody and care thereof, the amount allowed by this Act for the care and sustenance, and the expenses of advertising such beast or beasts; which said amount, in case of dispute respecting the same, shall be ascertained and determined by a Justice of the Peace for the County, in presence of the said parties, after forty-eight hours' notice in writing being given by either party, and at a time and place for that purpose to be appointed by the said Justice; and in case the party or parties entitled to receive such amount shall be dissatisfied with such sum as shall be awarded to him or them by such Justice, then, upon tender and refusal thereof, the said Justice shall and may make an order directed to any constable or constables of the County, commanding him or them to take possession of said beast or beasts, and deliver the same to the said owner or

Beast to be sold after expiration of six days' notice, &c.

Owner redeeming stray beast to pay all expenses, &c.

Mode of enforcing Justices's order.

owners thereof, and also to levy by distress and sale of the goods and chattels of the person so detaining the said beast or beasts, the costs of the said last mentioned order, and of the execution thereof.

Any person may impound horses, &c. going at large.

V. It shall be lawful for any person or persons, other than and besides such reeves as aforesaid, to take up and impound, or cause to be taken up and impounded in the City pound, all horses, neat cattle and sheep found going at large within the said royalty of Charlottetown, and shall immediately thereafter give notice or information thereof to the owner or owners, if known, who shall be entitled to have the same restored to his or their possession, on paying the pound fees thereon as allowed by law.

Any reeve refusing to perform his duty to forfeit 20s.

VI. Any such reeve as aforesaid, who shall refuse or neglect to perform the duties by this Act imposed upon him, in not taking up all horses, neat cattle and sheep found going at large as aforesaid, within the said Royalty of Charlottetown, or in not disposing of the same in manner therein prescribed, shall forfeit and pay for every such refusal or neglect the sum of twenty shillings, to be recovered in manner hereinafter mentioned.

Persons obstructing reeves liable to fine.

VII. All persons in any way or manner obstructing any of the reeves in the lawful execution of his duty, imposed by this Act, shall forfeit and pay for every such offence a sum not exceeding forty shillings, nor less than ten shillings, to be recovered in manner hereinafter mentioned.

Fine under this Act, how appropriated.

VIII. All fines and forfeitures imposed by this Act shall be paid one half thereof into the treasury of this Island, and the other half to the reeve or other person who shall prosecute for the same.

Fines under this Act when and how recovered.

IX. All fines and forfeitures as aforesaid shall be sued for within thirty days after the commission of the offence for which the same shall have been incurred, and be recovered before any one of her Majesty's Justices of the Peace for Queen's County within said Island; and the same shall be levied by warrant of distress on the goods and chattels of the offender or offenders; and if no goods or chattels can be found whereon to levy, the said Justice is hereby authorized and empowered to commit the offender or offenders to prison for a period not exceeding ten days.

Fees under this Act.

X. The fees to be taken and received under this Act shall be as follows:

Justice's fees.

Fee to Justice on his award in cases of dispute as to amount to be paid to reeve for keep of beast or beasts, three shillings.

Order for delivery of beasts after tender and refusal of expenses, one shilling and six pence.

Constable's fees, executing order, levying distress, and sale, the same as shall and may be taken for similar services under the Act of the General Assembly for the time being in force for the recovery of small debts. Constable's fees.

ALLOWANCE TO REEVE:

For each and every day he shall keep a horse, seized under this Act, one shilling and six pence. Allowance to reeve.

For each and every day he shall keep a head of neat cattle, one shilling.

For each and every day he shall keep a sheep, six pence; the time in each case to be computed from the time of seizure till the time of sale.

For every notice of sale posted up, six pence.

XI. Whenever the word "beast" or "beasts" is used in this Act it shall be deemed to mean and include all horses, neat cattle and sheep. Meaning of the word "beast."

XII. This Act shall continue and be in force for the period of ten years from the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer. Continuance of Act.

CAP. XIX.

An Act to amend the Act to prevent the running at large of swine in Summerside and vicinity. 21 Vic. c. 10.

[Passed May 2, 1860.]

WHEREAS it is necessary to amend the first section of the Act passed in the twenty-first year of the reign of her present Majesty, chapter ten, relating to the appointment of hog reeves for Summerside and vicinity:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That whenever any hog reeve or hog reeves appointed by virtue of said first section of said recited Act shall take up any swine found running at large, as therein mentioned, it shall be the duty of such hog reeve or hog reeves, and he and they are hereby required, previous to selling the same at public auction, as therein directed, to give at least forty-eight hours' notice of such sale, by handbills posted up in three or more of the most public places within the districts in the said first section of the said recited Act mentioned and described: provided that the owner of any hog so seized shall at any time within forty-eight hours after the publication of the advertise-

Hog reeves to give 48 hours' notice of sale of swine.

How redeemed.

ment for the sale of such hog, be entitled to have it returned, on payment of the sum of ten shillings to the hog reeve; and if the said hog shall be sold after the said forty-eight hours, then the purchase money thereof, after deducting all just expenses, together with the said fine of ten shillings, shall be paid over to the owner or owners thereof, if demanded within the space of thirty days.

Fine, how appropriated.

II. The fine imposed by the second section of the herein-before recited Act shall, when recovered, be paid into the treasury of this Island, for the use of her Majesty's government.

CAP. XXVI.

An Act to authorize the City of Charlottetown to appropriate a certain piece of land as a site for a public Market House.

[Passed May 2, 1860.]

Preamble.

WHEREAS a public Market House has for many years past been maintained on different sites on Queen Square, in Charlottetown, for the exhibition and sale of butcher's meat, butter, poultry, fruit, and the various articles of agricultural produce, brought from all parts of this Island, and the said building having become decayed and insufficient in size for the increased number of persons resorting thither, a new one of a more commodious size is about to be erected by the City of Charlottetown, and it is necessary to authorize the said City of Charlottetown to lay off and appropriate some certain and convenient site for such building on Queen Square, or on the public ground adjoining the said square on the west, originally reserved for public buildings:

Surveyor General to lay off site for a market house.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall be lawful for the Surveyor General of this Island to measure and mark out any part of the open area or parcel of ground originally intended for the site of public buildings, immediately adjoining the western end of Queen Square, in Charlottetown, as and for a site for a public Market House, the same to be laid off in such particular part of the said open area or parcel of ground as shall be chosen and ordered by the Mayor and Council of the said City; provided, that the said site, so to be laid off, shall not exceed in the whole thirty-two thousand square feet of ground, and that the same shall be either square or oblong in form, and be laid off nearly as can be at right angles with the sides and ends of the said Queen Square.

To draw a plan &c.

II. When laid off as aforesaid, the Surveyor General shall draw a plan and set forth a written description of the said site,

with the date of the survey thereof, which description shall be registered on the acknowledgment of the said Surveyor General, in the office of the registry of deeds; and the plan and original description shall be there kept with the other plans deposited in that office.

III. Immediately upon the said site being so laid off, the piece of ground therein comprised shall be, and is hereby declared to be, vested in the City of Charlottetown, and shall and may be held by the said City of Charlottetown, and its assigns, for ever as and for a site for a public Market House for the sale and exhibition of butcher's meat, and such other articles and commodities as shall be permitted under such by-laws or rules and regulations as shall from time to time be prescribed by the Mayor and Council of the said City of Charlottetown.

Site to vest in City of Charlottetown.

IV. It shall be lawful for the said City of Charlottetown to authorize the erection of stages or temporary sheds for building purposes on the grounds adjoining the said site, to be continued so long as the said Market House shall be in course of erection, and such stages or sheds shall be necessary for such purposes.

City may erect stages, &c. during building of market house.

V. So soon as the said Market House shall be erected and finished, the present old Market House shall be pulled down or removed and disposed of in such manner and for such purposes as the Mayor and Council of the said City shall order and direct.

Old market house to be pulled down, &c.

CAP. XXIX.

An Act to naturalize Rachel Nichols Gibson.

[Passed May 2, 1860.]

WHEREAS Rachel Nichols Gibson, widow of the late John Gibson, of Charlottetown, in Prince Edward Island, deceased, is a citizen of the United States of America, but intends making this Island her place of permanent residence, and is therefore desirous of being naturalized, and has given satisfactory assurance that she is willing to assume all the duties and responsibilities which may attach to her in the character of a good and faithful subject of our Sovereign Lady the Queen.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That she the said Rachel Nichols Gibson, so soon after the passing of this Act as she shall take and subscribe the oath of allegiance to Her Majesty Queen Victoria, and her successors, shall, within the limits of this Island, be and become, and be held and adjudged to be a naturalized subject of Her Majesty, entitled to all

Rachel Nichols Gibson naturalized as a British subject within the limits of this Island.

the rights and privileges of such subjects as fully as the same rights and privileges can or may be conferred by the Legislature of this Island, and under or by virtue of the Act of the Imperial Parliament, passed in the tenth and eleventh years of her present Majesty's reign, intituled "An Act for the naturalization of aliens;" provided always, that nothing in this Act contained shall have a retrospective effect, or extend, or be construed to extend to allow or entitle the said Rachel Nichols Gibson to dower or thirds in or out of the real estate, or any part thereof, of which the said John Gibson, her late husband, may have died seized or possessed or entitled to, or of which he may have been seised or possessed or entitled to, at any time during the coverture of the said Rachel Nichols Gibson, to the detriment of any mortgage or judgment claims against the estate of the said John Gibson.

Oath of allegiance, how taken

II. The said Rachel Nichols Gibson shall take and subscribe, in duplicate, the oath of allegiance before a Judge of the Supreme Court, in open Court, who shall attest the same.

Copies of the oath, how and where filed.

III. One copy of the oath shall be filed by the officer of the said Supreme Court, who shall receive therefor, and for making the duplicate, the sum of five shillings, and he shall forthwith transmit the said duplicate under his hand and the seal of the Court, to be filed in the Colonial Secretary's Office.

Officer of the Court to give a certificate of the oath having been taken.

IV. The officer shall also give a certificate, under his hand and the seal of the Court, that the oath of allegiance has been taken, which certificate shall be evidence of its contents, and therefor he shall be entitled to the sum of five shillings.

Suspending clause.

V. Nothing in this Act contained shall be of any force or effect until her Majesty's pleasure therein shall be known.

*** This Act received the royal allowance on the 14th day of February, 1861, and notification thereof was published in the *Royal Gazette* newspaper of this Island on the 10th day of March, 1861.

CAP. XXX.

An Act to incorporate the minister and trustees of Saint Columba's Church, Blair-in-Athol, Saint Peter's road, township number thirty-four.

[Passed May 2, 1860.]

Preamble.

WHEREAS on the second day of March, in the year of our Lord one thousand eight hundred and thirty, Donald MacBeth, of township number thirty-four, Saint Peter's road, Prince Edward Island, did, by a certain deed poll, under his hand and seal, give and grant unto John Ferguson, John

Cairns, Neil Stewart, Donald Stewart and Peter Stewart, junior, as trustees of the Presbyterian Church, Saint Peter's road, lot or township number thirty-four aforesaid, a certain tract or parcel of land, with the appurtenances, situate on said township, as a site for a church in connection with and governed by and according to the faith, rites, regulations and discipline of the Kirk of Scotland, as established by law in Scotland, which said piece or parcel of land is more particularly described and set forth in said deed, registered in the office of the registry of deeds for this Island; and whereas the present trustees of said church, appointed as directed by said deed, and acting on behalf of the congregation members of the said Kirk of Scotland, have set forth by their humble petition that a church has been erected on the aforesaid lands; and in order more efficiently to carry out the purposes hereinafter named, and to manage and conduct the affairs and interests of the said church, have prayed that the said board of trustees should be vested with a corporate capacity:

I. Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That Neil Stewart, Alexander Robertson, Isaac Thomson, William MacDonald and John Scott MacLeod, so long as they shall respectively continue members of the said church, Saint Peter's road, and in connection with the said Kirk of Scotland as aforesaid, shall be, and they and their successors in office (to be chosen and elected in manner hereinafter prescribed) in addition to and together with the minister for the time being, are hereby constituted and declared a body corporate, under and by the name and style of "the minister and trustees of Saint Columba's Church, Blair-Athol, on Saint Peter's road," and shall continue in office until the second Tuesday in January in the year of our Lord one thousand eight hundred and sixty-one, and that they and their successors in office, (to be chosen as hereinafter mentioned) for ever, shall have a common seal, with power to break, change, and alter the same from time to time at pleasure, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts of judicature in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with relative to the lands and funds of the said corporation, and the business and purposes for which it is hereby constituted as hereinafter declared, and may establish, put in execution, alter or repeal such by-laws, rules and regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, or to the constitution of the Kirk of Scotland, and as may appear to the said corporation necessary and expedient for the interests thereof; and for

Alexander Robertson and others, constituted a body corporate.

Name, of corporation.

Three members
to form a quo-
rum.

these purposes to appoint their own chairman, treasurer, secretary and other officers, and three of the members of the said corporation shall form a quorum for and in all matters and things to be done and disposed of by the said corporation.

Five trustees
to be annually
chosen, &c.

II. After the passing of this Act, there shall annually be chosen, from and out of the congregation by such of the congregation of the said church as shall be qualified to vote as hereinafter mentioned, five persons who publicly hold, avow and maintain only the faith, rites and discipline of the said Kirk of Scotland, and who shall likewise be members of the said Church of Saint Columba, Blair-in-Athol, on Saint Peter's road, aforesaid, (whose qualification for office shall be the same as that of electors as hereinafter mentioned), who shall be trustees thereof, together with the minister of the said church for the time being, or in case of a vacancy, absence or otherwise, by the moderator of Kirk session *ex officio* appointed or deputed by the church courts organized in this Island, in connection with the said Kirk of Scotland; and such six persons so chosen, elected, appointed or deputed, shall be in lieu of the trustees chosen, elected and confirmed under and by virtue of this Act, and be recognized as the body corporate of the said church.

Persons quali-
fied to vote at
the election of
trustees.

III. Every male person of the age of twenty-one years or upwards who shall hold and pay for one whole pew, or one half pew, in the said church, and who shall not be in arrear of rent for the same, or who shall have subscribed and paid into the funds of the said corporation annually the sum of twenty shillings of current money of the said Island, and who shall not be in arrear for the same, shall be qualified to vote at the election of trustees hereinbefore mentioned.

When election
to take place.

IV. The first election of trustees under this Act shall take place on the second Tuesday in January which will be in the year of our Lord one thousand eight hundred and sixty-one; and all future elections shall take place on the second Tuesday in January in each and every year thereafter in all time coming: and it shall be the duty of the trustees aforesaid, and their successors in office, and they are hereby required to give notice under the signature of the secretary, and by authority of the board, of the hour and place of holding such election, by an intimation read by the minister, or in his absence by the moderator of Kirk session, from the pulpit, or by a member of the Kirk session, on the two sabbaths immediately preceding; or in case of a vacancy or otherwise, by causing to be inserted twice in one or more of the Island newspapers an advertisement to that effect, or otherwise by giving due publicity, by circular, of the hour and place of such meeting, at which time and place electors qualified as aforesaid shall

choose a chairman, and shall proceed by ballot to the election of five persons qualified as aforesaid, who, in addition to and together with the minister or depute, shall fill the office of trustees for the then ensuing year; the chairman of said meeting, in case of equality, having a casting vote; and the names of the persons so elected, together with that of the minister or depute, shall be entered in the books of the said corporation by the secretary or other person having the custody of the same, who shall attend with the said books for that purpose.

V. All or any one or more of the trustees in office, at the time of such annual election, shall be eligible to be reelected.

Trustees eligible for reelection.

VI. In the event of a vacancy or vacancies occurring by death, resignation, removal or otherwise in the board of trustees, it shall be lawful for the remaining trustees, at any one of their meetings, to elect a duly qualified person, or persons, to supply the same; but should the vacancies so occurring at any one time be so numerous as not to leave a quorum, then such vacancies shall be filled up in the manner in which this Act provides for the annual election of trustees, within thirty days after the occurring of such vacancy or vacancies.

Mode of filling up vacancies.

VII. If it should happen that no election of trustees shall take place on the second Tuesday in January in any year as aforementioned, then and in such case the trustees then in office shall continue and remain in office for, during, and until the expiration of the next ensuing year, unless a requisition signed by at least twelve of such persons as are qualified to vote as aforesaid, shall be presented to the trustees for the time being, calling upon them to cause a meeting to be held for the election of trustees, and of which meeting ten days' notice shall be given, and such meeting shall be held in manner and form as hereinbefore directed with respect to annual elections.

If no election takes place, trustees to continue in office.

VIII. The seal of the said corporation, and all books, papers, deeds, minutes, vouchers, moneys, obligations, bonds, securities for moneys, and all and every description of property and things really and *bona fide* belonging to the church, shall, immediately after the passing of this Act come into the custody and possession of the aforesaid trustees, and shall be by them forthwith handed over to their successors immediately following them in office as trustees.

Corporate seal, &c. to be in custody of trustees, and transferred to their successors.

IX. The trustees shall be and they are hereby intrusted with the repairing, alteration, building or rebuilding of the church or manse, and shall guard and protect the interests of the congregation, the Kirk yard, and all real or personal estate held or to be held by the corporation.

Trustees empowered to repair church, &c

Corporation to hold real estate &c., to the annual value of £1000 sterling.

X. It shall and may be lawful for the said corporation to accept, take and hold any such real or personal estate as may hereafter be gratuitously given, granted or bequeathed for the use and good of the said church, not exceeding, together with that already holden by the said trustees as aforesaid, the annual value of one thousand pounds sterling.

General powers and duties of trustees, &c.

XI. It shall be the duty of the trustees for the time being, to make all arrangements for the letting of pews, imposing and collecting of seat rents, and to dispose of the church lands or property, in any way they may see proper for the interests of the corporation: provided always, that said lands or property be never alienated from their original purpose; also, to keep the church in repair, and impose such extraordinary assessments as may be required for the repairing of said church, and generally to manage and promote the secular affairs directly and indirectly belonging to or connected with the said church and congregation, agreeably to the constitution of the Kirk of Scotland, and subject to the approval, administration, and supervision of the ecclesiastical courts organized in this Island in connection with the said Kirk of Scotland; and for the accomplishment of these ends, the trustees for the time being may, in addition to such meetings of the board as may be necessary, call meetings of the congregation, as occasion may require, after a notice of ten days, at which congregational meetings all persons qualified in the election of trustees as aforesaid, may vote on all questions brought before said congregational meetings.

CAP. XXXI.

Amended by 24 Vic. c. 32.

An Act to incorporate sundry persons by the name of "the Cascumpec marine railway company."

[Passed May 2, 1860.]

WHEREAS the establishment of a marine railway at Cascumpec will be greatly advantageous to the mercantile interests of that locality, and to the fisheries of the north part of this Island generally; and whereas several persons have associated themselves for the purpose of constructing such marine railway at Cascumpec point aforesaid: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

W. B. Dean, and others, to be a body corporate.

I. William Bradford Dean, Gilman M. Rider, George W. DeBlois, George F. C. Lowden, and all and every such other person or persons as shall from time to time become proprietors of shares in the corporation hereby established, and their successors, administrators and assigns shall be, and they are hereby united into a company, and declared to be one body

politic and corporate, by the name of "the Cascumpec marine railway company," and by that name shall have succession and a common seal, and may sue and be sued, plead and be impleaded at law and in equity, and be able and capable in law to have, hold, purchase, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents in fee simple or otherwise; and also goods and chattels, and all other things real, personal and mixed; and also to give, grant, sell, let, assign or convey the same, or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary or proper for the benefit and advantage of the said corporation; and that the president, directors and company to be appointed as hereinafter mentioned, shall from time to time, and at all times during the continuance of this Act, and of the said corporation, have full power and authority to constitute, make and establish such by-laws and ordinances as may be thought necessary for the rule and good government of the said corporation; provided that such by-laws and ordinances be not contradictory or repugnant to the laws and statutes of this Island, or of those in force within the same.

Name of corporation.

II. In any suit at law or equity instituted against the said Cascumpec marine railway company, service of process upon the president, or in his absence on any one of the directors of the same for the time being, shall to all intents and purposes be sufficient to compel the said company to appear and plead to the said suit.

Mode of serving process on said company.

III. The said Cascumpec marine railway company shall have full power and authority to lay down, construct and complete a marine railway for drawing up vessels, and such other purposes as may be deemed meet, in the harbor of Cascumpec aforesaid, so that the same shall not obstruct or prevent the free navigation of the waters of the said harbor.

Power to construct a marine railway, &c.

IV. The capital or joint stock of the said corporation shall be one thousand five hundred pounds currency of this Island, divided into one hundred shares of fifteen pounds each, and that one fourth part of the capital stock which shall be subscribed for, shall be paid within one year from the passing of this Act, and the remaining three fourth parts of the stock so to be subscribed shall be paid at such times as shall be agreed on and appointed by the directors of the said company for that purpose, thirty days' previous notice being first given in the *Royal Gazette* and one other newspaper published in Charlottetown in the said Island, and in two newspapers published in Boston, in the United States, of the time and place appointed for payment of the said second or any future instalment; and if any subscriber shall neglect or refuse to pay all

Capital stock of company to be £1500 currency, &c.

or any part of the share or shares subscribed by him, it shall be lawful for the directors for the time being to sell and dispose of the share or shares so in default, to the best advantage; and if any loss shall happen on such sale, the same shall fall upon the said subscriber thereof.

When one-half the capital stock subscribed for, this Act to go into operation.

V. That when and so soon as one half the capital stock before mentioned shall be subscribed for, this Act may go into operation respecting the working of the said company, and the persons first herein named, or any three of them, shall, by public advertisement, at least for three consecutive weeks previously, in one of the newspapers published at Charlottetown aforesaid, and in two newspapers published in Boston, United States of America, appoint a day and place at Charlottetown aforesaid, for the first general meeting of the subscribers, and at such meeting, a chairman having been appointed, the subscribers present, or their proxies by appointment in writing, shall elect five directors, being each of them the owner of two shares at the least, who shall thereupon elect and appoint one of their number president, and from thenceforward the officers and business of the said company shall be conducted and managed by such president and directors, who shall continue in office for the space of one year next ensuing, and who shall have full power and authority to make and enact by-laws of all kinds relative to the said company, both with regard to the time and the amount of the calls to be made, the rate and scale of charges to be made by the said company for the use of the said marine railway, and all other matters connected therewith, as also to appoint all such officers to the said company, and to make all contracts and arrangements for the machinery and construction of the said railway, and other matters connected therewith; and that the said president, in the event of an equality of votes, shall have a casting vote, in addition to his vote as director.

Authority of directors.

Annual general meeting of shareholders to be held in month of July in every year.

VI. That a general annual meeting of shareholders shall be held in the month of July, in every year, in the City of Charlottetown, aforesaid, or in such other place as shall be appointed at the previous general meeting of the shareholders, and on such day and time as the last mentioned meeting shall determine; of which annual meeting, and of all other general meetings of shareholders, at least thirty days' previous notice shall be given, to be published in manner and form as directed in and by the last preceding section of this Act.

No shareholder to vote who is in arrear.

VII. That at all meetings of shareholders, no shareholder shall vote on any share in arrear; that the owner of one share shall have one vote; the owner of two shares and not exceeding five, two votes; the owner of five shares, and not exceed-

ing ten, to have three votes; and the owner of any greater number of shares than ten, to have a vote in respect of every five shares: provided that the number of fifteen votes shall be the greatest that any shareholder shall be entitled to have.

VIII. That if from any cause the annual general meeting shall not be held, the directors last chosen shall continue in office until new directors shall be chosen; and in the event of a vacancy occurring in the office of director before the term of his office expired, the remaining directors shall fill up the vacancy.

How long directors to continue in office.

IX. That all rates or tolls due by vessels to the said company for services by the said marine railway, or matters connected therewith, shall constitute a lien or charge on such vessels, their tackle and furniture respectively, for the amount due respectively thereon, besides the ordinary legal remedies.

Company to have a lien on all vessels, &c. for rates and dues.

X. That the capital stock of the said company may be increased at the pleasure of the said company, to the sum of three thousand pounds, and that all shares in the said company shall be deemed to be personal estate to all intents and for all purposes, and shall be transferable and assignable, according to the rules and regulations that may be established by the by-laws in that behalf.

Power to increase capital stock, &c.

CAP. XXXII.

An Act to incorporate the Cascumpec temperance hall company.

[Passed May 2, 1860.]

BE it enacted by the Lieutenant Governor, Council and Assembly, That John Dingwell Hubbard, Archibald Gordon, Herbert Bell, Benjamin Rogers, Thomas Torrence Fairbairn, Cornelius Richard O'Leary, Neil Woodside, and every and all such person or persons as now are, or is, or shall hereafter become proprietors of shares in the company hereby established, and their respective successors, executors, administrators and assigns shall be, and they are hereby declared to be a body politic and corporate by the name of "the Cascumpec temperance hall company," and by that name shall have perpetual succession, and all other the rights and privileges conferred by an Act passed in the fifteenth year of her Majesty's Reign intituled "An Act relating to corporate bodies."

Incorporates certain persons as a temperance hall company.

Name.

II. That the said company shall and may take, purchase and hold any lands or real estate in fee simple, or otherwise, and also, rents, moneys, securities for money, goods and chattels whatsoever, and may sell, let, demise, exchange or mort-

Company may purchase and hold lands, &c.

gage the same in such manner as may be necessary: provided that the said company shall not, at any one time, hold or possess real estate to a greater value than one thousand pounds, currency.

Company to make by-laws, &c.

III. That the said company shall have full power at all times to make or alter by-laws and regulations, not contrary to law, for the government of its officers, the management of its affairs, and of all matters and things relating to the shares therein, such by-laws to be made at some general or special meeting of shareholders, to be duly called for that purpose.

Capital to be £300.

IV. That the capital of the said company shall be three hundred pounds, currency, divided into shares of ten shillings each, and such shares shall be assignable in such manner as by the said by-laws shall be directed: provided that if at any general meeting, it shall be deemed necessary to increase such capital, it shall be lawful to create additional capital of one hundred pounds, by the issue of two hundred shares of the same amount, or by convertible bonds.

Capital may be increased £100

Payment of subscriptions how to be made

V. That the several persons who now are or hereafter may become subscribers for shares, shall be required to pay the sums of money by them respectively subscribed, in such proportions and at such times as shall be appointed by the directors, and such moneys shall be recoverable in any court of competent jurisdiction; but no shareholder shall be required to pay any larger sums than the amount of shares held by him.

Joint property of company alone liable for its debts.

VI. That the joint property of the said company shall be alone liable for its debts and engagements, and that no individual shareholder shall be responsible for the same beyond the amount unpaid on the shares held by him.

Annual meeting, when held &c.

Special meetings how summoned.

VII. That a general annual meeting of the said shareholders shall be held on the same day in the first week in January in each year, at some convenient place in Cascumppec aforesaid, to be appointed by the board of directors, and that special meetings of such shareholders shall be summoned by the directors when they shall deem the same necessary, or whenever a requisition in writing to call such meeting shall be delivered to the president, signed by ten shareholders being proprietors of thirty shares amongst them at the least: provided that ten days' notice at the least shall be given of any such meeting, by affixing such notice in writing on the hall erected in pursuance of this Act, and in three other public and usual places for giving notices in the neighborhood thereof, and also in manner prescribed by the before mentioned Act.

Ten days' notice to be given

No business to be transacted

VIII. That no business shall be transacted at any such meeting unless ten shareholders at the least, holding amongst

them not less than thirty shares, shall be present, and that in case of an insufficient attendance, such meeting shall be adjourned for nine days, and so on from time to time, of which adjournment similar notice shall be given, and all such general or special meetings may be adjourned from time to time and from place to place, as may be found expedient.

unless ten shareholders be present, &c.

IX. That at such annual or special meetings, every shareholder, having paid up calls then due on his shares, shall be entitled to vote either in person or by a proxy, being also a shareholder, such votes to be given in the proportions as may be prescribed by the resolutions at the general meeting and by the by-laws of the company when made; and that at all meetings, whether of shareholders or directors, the president, and in his absence, the vice president, or some other director, shall take the chair, and shall have a casting vote in the event of an equality of votes.

Shareholders may vote by proxy.

X. That the said company shall be deemed to be organized immediately on the passing of this Act, and that at the first and every subsequent general annual meeting, the shareholders then present, either in person or by proxy, being a sufficient number and duly qualified, shall elect out of the shareholders a president, vice president, secretary, treasurer, and also three other directors holding not less than five shares, which said president, vice president, secretary, treasurer and three other persons shall constitute the board of directors for the management of the affairs of the company, of whom five shall be a quorum.

Shareholders to elect president, vice president, and board of directors.

XI. That such officers and directors shall continue in office until the next general annual meeting, or until new officers and directors shall be elected in their stead, and that in case of any officer or director dying, resigning, or becoming disqualified or incapable of acting during his term of office, the remaining directors shall elect some other proprietor duly qualified to fill the vacancy.

Directors to continue in office until successors are chosen.

XII. That until the first general annual meeting, the officers and directors now elected shall continue to act in the same manner and with the same powers, as if they had been elected under the provisions of this Act, and until that period, the resolutions already passed at meetings of shareholders shall have the force and effect of by-laws.

Until the first general meeting, officers and directors now elected shall continue to act, &c.

CAP. XXXIII.

Amended by 24.
Vic. c. 30.

An Act to incorporate certain persons therein named under the style and title of the Crapaud dredging machine company.

[Passed May 2, 1860.]

WHEREAS the sum of two hundred and fifty pounds has been appropriated by the House of Assembly of this Island, to be paid to such person or persons as shall construct and finish to the satisfaction of the Government, for the time being, a dredging machine adapted to the purpose of deepening certain rivers and bays in this Island: and whereas Donald W. Palmer, John Currie, Henry Howat, John Lea, Thomas Myers, Charles Stanfield, James Johnston and Thomas Wigginton, induced by the offer of the said sum above named, have formed themselves into a company, with the object of constructing and completing a dredging machine suitable for the purposes above named, and with the view the more effectually to accomplish their aforesaid object, have petitioned to be by law incorporated:

Incorporates certain persons under the name of "The Crapaud dredging machine company."

To have a common seal, and to be capable of pleading, contracting, &c.

Company may purchase and hold lands, &c.

Company to make by-laws, &c.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the said Donald W. Palmer, John Currie, Henry Howat, John Lea, Thomas Myers, Charles Stanfield, James Johnston and Thomas Wigginton, together with such other persons as shall from time to time become proprietors of shares in the corporation hereby established, their successors and assigns, shall be and they are hereby constituted and declared to be a body politic and corporate in deed and name under the name and style of the "Crapaud dredging machine company," and by that name shall and may have continued succession and a common seal, and shall and may change and alter the same at their will and pleasure, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts of law or equity, or places whatsoever, in all manner of suits, actions, complaints, matters and causes whatsoever, and be in law capable of having, holding, purchasing, taking, receiving and enjoying any lands, tenements, hereditaments, real or personal estate whatsoever, and also of giving, granting, letting, assigning or conveying the same, or any part thereof, and of doing and executing all other things in and about the same as shall and may be thought necessary and proper for the benefit and advantage of the said corporation; and also that the said company shall, from time to time, and at all times, have full power, authority and license to constitute, ordain, make and establish, change, vary and alter such by-laws, rules and ordinances as may be thought necessary for

the good rule and government of the said corporation: provided such by-laws, rules and ordinances be not contradictory or repugnant to the laws and statutes of this Island and those in force within the same: and provided also, that such by-law, rules and ordinances shall not have any force or effect until the same shall have been submitted to and approved of by the Lieutenant Governor in Council, nor until the same shall have been registered in the office of the registrar of deeds for this Island.

By-laws to be approved of by Lieut. Governor, &c.

II. The company shall not hold at any one time real estate of greater value than one thousand pounds.

Amount of real estate to be held by company.

III. The property and business of the company shall be under the management of a president and such other officers as may be directed by the by-laws.

Company to be managed by president, &c.

IV. The capital of the company shall be limited to the sum of one thousand pounds, to be divided into shares of five pounds each, and such shares shall be assignable and transferable in such manner as may be directed by the by-laws.

Capital of company not to exceed £1000.

V. Notwithstanding the company may hold real estate, the shares of the stockholders shall be deemed to be personal property for all purposes.

Shares to be deemed personal property.

VI. Every person who shall have contributed and paid the sum of five pounds, or upwards, towards the undertaking hereby established, before the passing of this Act, shall be deemed a shareholder, and each shareholder having paid all calls on him made, which at the time be due, shall be entitled to vote at any annual or special meeting of the company, according to the number of shares he may possess; namely, the owner of one share shall have one vote, the owner of three shares two votes, and the owner of six or any greater number of shares three votes, and no more; and any shareholder may give his votes by proxy duly constituted according to the by-laws, but the person applying to vote under such proxy must be a shareholder, and entitled to vote at the meeting.

What constitutes a shareholder.

Number of votes allowed each shareholder.

VII. When such dredging machine or machines as aforesaid shall be completed and approved of by the Executive Government for the time being of this Island, the company shall have power to let out on hire, or sell, or otherwise dispose of such dredging machine or machines in such manner and under such regulations and restrictions as the Executive Government of the said Island for the time being may from time to time for that purpose direct and appoint.

Company to have power to let out on hire dredging machine, &c.

VIII. Provided always that nothing herein contained shall be construed to give to the said company any prior right or preferential claim to the said grant from government, over any

Company not to have prior claim to grant

from Govern-
ment over other
competitors, &c

private individual or individuals, or any other company who may compete for the same, unless the said company incorporated by this Act shall first entitle themselves to such grant by complying with the conditions upon which the said grant has been offered.

CAP. XXXIV.

3 W. 4, c. 20. An Act to alter the Act incorporating the churchwardens and vestries of the Church of England.

[Passed May 2, 1860.]

WHEREAS by the first section of the Act passed in the third year of the reign of his late Majesty King William the fourth, chapter twenty, it is required that the meetings of the several congregations of the Church of England for the purpose of choosing churchwardens and vestries, shall be held annually on Tuesday in Whitsuntide week; and whereas the holding of said meetings at that particular season of the year has been found to be attended with much inconvenience to the members of the said congregations generally throughout the Island:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, the said first section of the above recited Act, so far as relates to the day of holding the said annual meetings of the several congregations of the Church of England in this Island, be, and the same is hereby repealed; and that hereafter the day of holding said annual meetings for the purposes in the said first section of the said recited Act specified, shall be Easter Monday in every year from and after the present year; such annual meetings for the present year to be held on Tuesday in next Whitsuntide week as usual; any thing in this Act contained to the contrary notwithstanding.

Repeals part of
3 W. 4, c. 20,
and enacts that
all annual
meetings shall
be held on Easter
Monday in
every year.

CAP. XXXVI.

An Act to incorporate the minister and trustees of Saint Andrew's Church, Callander, Little Sands.

[Passed May 2, 1860.]

WHEREAS on the twentieth day of March, in the year of our Lord one thousand eight hundred and sixty, Dunbar James, Earl of Selkirk, by his Attorney, William Douse, Esquire, did, by a certain deed poll, under his hand and seal, give, grant and confirm unto the Reverend William McLaren and John McMillan, Neil Kennedy, Robert Dixon,

John Campbell, William McRae, Archibald McDonald and Neil Murray, as trustees of the Presbyterian Church, at Callander, Little Sands, and to their successors in office, a certain tract or parcel of land, with the appurtenances, situated at Callander, in Little Sands, aforesaid, as a site for a church, in connection with and governed by and according to the tenets, rites, regulations and discipline of the Kirk of Scotland, as at present established by law in Scotland, and which said land is particularly described and set forth in the said deed, registered in the office of the registrar of deeds for this Island; and whereas sundry inhabitants of Little Sands and Wood Islands, members of and adherents to the said Kirk of Scotland, have set forth by their humble petition, that a church has been erected on the aforesaid land, and are desirous that the said board of trustees should be vested with a corporate capacity:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Reverend William McLaren, John McMillan, Neil Kennedy, Robert Dixon, John Campbell, William McRae, Archibald McDonald and Neil Murray, so long as they respectively continue members of the said church at Callander, Little Sands, aforesaid, and in connection with the said Kirk of Scotland, and their successors in office, shall be, and they are hereby declared and constituted a body corporate, under and by the name and style of "the minister and trustees of Saint Andrew's Church, Callander, Little Sands," and shall continue in office until the second Tuesday in January in the year of our Lord one thousand eight hundred and sixty-one, and they and their successors in office for ever, shall have a common seal, with power to break, change, and alter the same from time to time at pleasure, and shall be in law capable of suing and being sued, pleading and being impleaded, answering, and being answered unto in all courts of judicature, in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with, relative to the lands and funds of the said corporation, and the business and purposes for which it is hereby constituted as hereinafter declared; and may establish, put in execution, alter or repeal such by-laws, rules or regulations as shall not be contrary to the constitution and laws of this Island, or the provisions and spirit of this Act, or to the constitution of the Kirk of Scotland, as may appear to the said corporation necessary and expedient to the interests thereof; and for these purposes to appoint their own chairman, treasurer, secretary and other officers; and five of the members of the said corporation shall form a quorum for and in all matters and things to be done and disposed of by the said corporation.

Certain persons incorporated.

Name of corporation.

To have a common seal, and to be capable of contracting, &c

Five members to form a quorum.

II. After the passing of this Act, there shall annually be

Seven trustees to be annually chosen, &c.

chosen by such of the congregation of the said church as are qualified to vote as hereinafter mentioned, seven persons, being members of said church (whose qualification for office shall be the same as that of electors), who shall be trustees thereof, together with the minister of the said church for the time being, or in case of a vacancy, with the moderator, or a member of the Kirk session, appointed by the church courts organized in this Island in connection with the Kirk of Scotland; and such eight persons, so chosen, elected, appointed or deputed shall be in lieu of the trustees chosen, elected, appointed or deputed under this Act, and be recognized as a body corporate of said church.

Who qualified to vote at the election of trustees.

III. Every male person of the age of twenty-one years or upwards, who shall hold and pay for one whole pew or one half pew in the said church, and who shall not be in arrear of rent for the same, or who shall have subscribed and paid into the funds of the said corporation annually, the sum of ten shillings of current money of this Island, and who shall not be in arrear for the same, shall be qualified to vote at the election of trustees hereinbefore mentioned.

Election of trustees to take place on the 2d Tuesday in Jan.

IV. The first election of trustees under this Act shall take place on the second Tuesday in January, which will be in the year of our Lord one thousand eight hundred and sixty-one, and all future elections shall take place on the second Tuesday in January in each and every year thereafter in all time coming; and it shall be the duty of the trustees before named, and their successors in office, and they and their successors in office are hereby required to give notice, under the signature of the secretary, and by the authority of the board, of the hour and place of holding such election, by an intimation read by the minister, or in his absence, by the moderator of the Kirk session, from the pulpit, or by a member of the said session, on the two Sabbaths immediately preceding; or in case of a vacancy or otherwise, by causing to be inserted twice in one or more of the Island newspapers, or by giving due and timeous publicity, by circular, of the hour and place of such meeting, at which time and place, electors qualified as aforesaid, shall choose a chairman, and shall proceed to the election of seven persons as aforesaid, who, together with the minister or depute, shall fill the office of trustees for the then ensuing year; the chairman of said meeting, in case of an equality, having a casting vote; and the names of the persons so elected, together with the minister or depute, shall be entered in the books of the corporation, by the secretary, or other person having the custody of the same, who shall attend with the said books for that purpose.

Meeting to choose a chairman.

Names of persons elected to be recorded on minute book.

Trustees may be reelected.

V. All or any one or more of the trustees in office at the time of such annual election shall be eligible to be reelected.

VI. In the event of a vacancy or vacancies occurring by death, removal, resignation or otherwise, in the board of trustees, it shall be lawful for the said trustees, at any one of their meetings, to elect a duly qualified person or persons to supply the same; but should the vacancies so occurring at any one time be so numerous as not to leave a quorum, then such vacancies shall be filled up in the manner in which the Act provides for the annual election of trustees, within thirty days after the occurring of such vacancy or vacancies.

How vacancies to be filled up.

VII. If it should happen, that no election of trustees should take place on the said second Tuesday in January, in any year as aforesaid, then and in such case the trustees then in office shall continue and remain in office for, during and until the expiration of the next ensuing year, unless a requisition signed by at least twelve of those persons who shall be qualified to vote as aforesaid, shall be presented to the trustees, calling upon them to cause a meeting to be held for the election of trustees; and of which meeting, ten days' notice shall be given; and such meeting shall be held and conducted in manner and form as hereinbefore prescribed with respect to annual elections.

If no election takes place, trustees to continue for another year.

VIII. It shall be lawful for the said corporation to contract for the purchase, or in any lawful manner, whether by gift, grant, devise, legacy, bequest or otherwise, to acquire, obtain and hold either in fee simple, for life, or any term of years, for the benefit of said church, any messuages, lands, tenements and hereditaments, or any kind of real or personal estate whatsoever, in this Island, and to take, receive and hold the necessary legal conveyances, securities, documents and transfers thereof, and which said messuages, lands, tenements and hereditaments, real and personal estate, shall be and remain vested in the said corporation: provided always, that the net annual value of such real and personal estate shall not exceed at any one time the sum of one thousand pounds currency, of this Island.

Corporation may purchase lands and personal estate, &c.

The net annual value of such property not to exceed £1000.

IX. It shall be the duty of the trustees for the time being, to make all arrangements for the letting of pews, imposing and collecting of seat rents, to dispose of the church lands in any way they may see proper for the interests of the corporation: provided always, that the said lands be never alienated or diverted from their original purpose; also to keep the church in repair, and impose such extraordinary assessments as may be required for repairing said church; and generally to manage the secular affairs directly and indirectly pertaining to said church, agreeably to the constitution of the Kirk of Scotland, and subject to the approval, administration and supervision of ecclesiastical courts organized in this Island in

Duties and powers of trustees.

connection with the said Kirk of Scotland; and for the accomplishment of these ends, the trustees may, in addition to such meetings of the board as may be necessary, call meetings of the congregation as occasion may require, after a notice of ten days, at which congregational meetings all persons qualified in the election of trustees as aforesaid, may vote on all questions or matters brought before the said congregational meetings.

Trustees to hand over to their successors in office corporate seal, books, &c.

X. The seal of the said corporation, and all books, papers, deeds, minutes, vouchers, moneys, obligations, securities for money, and all and every description of property and things belonging to the said church shall, immediately after the passing of this Act, come into the custody and possession of the aforesaid trustees, and shall be by them forthwith handed over to their successors, immediately following them in office as trustees.

Trustees entrusted with repairs, &c. of church, &c.

XI. The trustees shall be and they are hereby entrusted with the repairing, alteration, building or rebuilding of the said church or manse, and shall guard and protect the interests of the said church, church yard, and all real or personal estate held or to be held by the corporation.

CAP. XXXVIII.

An Act to invest the management of the Presbyterian burial ground at Georgetown in the minister and trustees of the Presbyterian Church.

[Passed May 2, 1860.]

WHEREAS a certain quantity of the Common of Georgetown has been granted to the Presbyterians for a burial ground, and it is found necessary, that the control and management of the same should be vested in some proper authority:

Minister and trustees of St. David's Church &c. to have control of burial ground.

I. Be it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, the minister and trustees of Saint David's Church, Georgetown, together with the minister and trustees of any other Presbyterian Church that may hereafter be erected and organized in said town of Georgetown, shall have full and complete control and sole authority over said burial ground as granted to Presbyterians as aforesaid; and it shall be lawful for said ministers and trustees, or a majority of them, to appoint, from time to time, a fit and proper person to superintend all interments in said ground, and to prevent persons trespassing on the same.

II. Any person or persons trespassing on said ground, or laying off or enclosing any portion of the same, or digging in said burial ground contrary to or against the wish or consent of the person appointed to superintend the same, shall be liable to an action for trespass before any two or more of Her Majesty's Justices of the Peace.

Liability of
trespass.

III. In the event of no clergyman being resident in Georgetown, then the trustees to have full power and authority to act in all matters connected with said Presbyterian burial ground.

When trustees
have control of
burial ground.

PRIVATE AND LOCAL ACTS.

ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

CAP. II.

An Act to authorize John Hunter to take the additional name of Duvar.

[Passed April 9, 1861.]

BE it enacted by the Lieutenant Governor, Council and Assembly as follows:

John Hunter authorized to take the additional name of Duvar.

That for family reasons, and likewise to avoid loss and inconvenience, arising from identity of names, John Hunter, of Hernewood, Prince County, gentleman, may take the additional name of Duvar, and that the legal signature of the said John Hunter, be John Hunter Duvar.

CAP. IV.

An Act to incorporate the gulf express and telegraph company.

[Passed April 9, 1861.]

WHEREAS divers persons have associated for the purpose of establishing and maintaining telegraphic communication between Summerside and Charlottetown in this Island, and between Summerside or Charlottetown and such office as shall be in direct telegraphic communication with some part of the neighboring Province of New Brunswick, by means of a submarine cable across the straits of Northumberland, and also for

the further purpose of receiving messages and intelligence in different parts of this Island where no telegraphic offices exist, and conveying the same to Summerside or Charlottetown for transmission to various portions of the continent of America, or elsewhere: Be it enacted by the Lieutenant Governor, Council and Assembly as follows:

I. That Daniel Hastings Craig, of New York, in the United States of America, Alexander MacKay, of Saint John's, Newfoundland, and John Hunter, of Prince Edward Island, and every such person and persons as shall from time to time, after the passing of this Act, become associated with them and their successors, administrators and assigns, shall be, and they are hereby declared and constituted a body politic and corporate, by the name of "the Gulf express and telegraph company," and by that name shall have a common seal, and may sue and be sued, plead and be impleaded at law and in equity, and be able and capable in law to purchase, receive, possess and enjoy houses, lands, tenements, hereditaments, not exceeding in amount the sum of three thousand pounds, currency, and rents in fee simple or otherwise, and also goods and chattels, and all other things real and personal, and to give, grant, sell, let, assign or convey the same, or any part thereof, and to act in all the concerns of the said company for the business and purpose for which it is hereby constituted.

Incorporates
certain persons

Name of Cor-
poration.

May purchase
lands not ex-
ceeding £3000,
&c.

II. That the said company may establish, construct, purchase, hire, keep in order, and maintain any line or lines of magnetic, electric, or other telegraph, or means of telegraphic communication between Summerside and Charlottetown, and between either of those places and any office in this Island, in direct telegraphic communication with the Province of New Brunswick, (by means of a submarine cable, as aforesaid,) and for the period of twenty years from and after the passing of this Act, no other person, or persons, body or bodies politic or corporate, shall be permitted to establish, construct or work any line or lines of electric or other telegraph, or means of telegraphic communication between Summerside and Charlottetown, or between Summerside and any office in this Island in direct telegraphic communication with the Province of New Brunswick, (by means of a submarine cable, as aforesaid,) nor shall any such line or lines of electric, magnetic, or other telegraphic means of communication between Summerside and Charlottetown, or Summerside and any such office in telegraphic communication with New Brunswick, as aforesaid, be constructed, established or worked during the said twenty years at any place or places within ten miles of Summerside.

May construct
lines between
Summerside
and Charlotte-
town, &c.

May have ex-
clusive right
for 20 years.

III. That the said company may erect and maintain the said lines of telegraph along the side of, or across any public

May erect lines
on the side and

across high-ways, &c.

highways, bridges, water-courses, or other such places within this Island, provided they do not interfere with the public right of travelling thereon.

Company to establish a line between Charlottetown and Summerside within twelve months.

IV. Unless the said company shall connect Charlottetown and Summerside by a working line of electric telegraph, within twelve months after the passing of this Act, every clause, matter and thing herein contained shall cease to have any force or effect, and be utterly null and void.

If line get into disuse for 12 months, powers &c., to cease.

V. In case the said company shall, after the establishment of any telegraph line of communication between Charlottetown and Summerside, under this Act, suffer the same to go into disuse for a period of twelve months at any one time, then, and in such case, all the powers and privileges conferred by this Act shall cease and determine.

Lt. Governor, &c. to have preference.

VI. The Lieutenant Governor or Administrator of the Government of this Island, shall have at all times, in preference to all others, the right of using the lines of telegraph to be established by the said company for the transmission of messages relating to the public service, and the rates of charges therefor shall not exceed the charges made to private individuals; and the said company shall at all times transmit the message of private parties without preference or delay, subject only as aforesaid.

Penalty for interrupting free use of telegraph lines, &c.

VII. That any person wilfully interrupting the free use by the said company of any telegraph line established or used by it, or any works connected therewith, shall be subject to a penalty of not less than ten pounds, nor more than one hundred pounds, to be recovered by any person informing and suing for the same in a summary way, before one or more Justices of the Peace, and to be levied by a warrant of distress, and sale of the offender's goods and chattels; one half of such penalty shall go to the party suing for the same, and the other half to be paid to the treasurer of this Island, for the use thereof; and in default of goods and chattels, to satisfy such warrant, every such offender shall be committed to jail by such Justice or Justices for any period not exceeding one hundred days; and if any person shall wilfully or maliciously obstruct or damage any such telegraph line, works, buildings, machinery or other property connected therewith, he shall be guilty of misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, and by a fine not exceeding one hundred pounds; and every operator, agent, or servant of the said company employed in the transmission or delivery of intelligence or messages, shall, before he enters on the duties of his office, make oath before a Judge or Justice of the Peace, that he will not wilfully divulge the contents

Oath to be taken by operator, agent, &c., of company, before entering on duties of his office.

of any message transmitted by said company, or left with any of its operators, agents or servants for delivery; and every person violating the said oath shall be adjudged guilty of misdemeanor, and punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds.

VIII. That all wires and materials required for constructing, repairing or working lines of telegraph, imported by the said company, shall be admitted duty free.

Materials for use of telegraph duty free.

IX. That the joint property or stock of the said company shall be alone liable for its debts or engagements, and that no proprietor or stockholder in the said company shall be or become responsible, chargeable or accountable, by any way or means for any greater sum of money than the amount of the stock which he shall actually and *bona fide* possess or be entitled to in the capital or joint stock of the said corporation; and no property of any kind, belonging to such company, shall be subject to the private debts of any of its members, nor be liable to be taken in execution by any judgment creditor against any individual member or stockholder of the said company.

Joint stock of company to be alone liable for its debts.

X. Nothing in this Act contained shall affect, or be construed to affect or interfere with any rights or privileges granted to the New York, Newfoundland and London telegraph company, under and by virtue of the Act of the seventeenth Victoria, chapter four.

This Act not to affect Act 17 Vic. c. 4.

XI. That this Act shall be deemed a public Act, and shall be judicially noticed as such without being pleaded.

This Act to be public Act.

CAP. XIV.

An Act to incorporate the trustees of the Presbyterian Church at Covehead.

[Passed April 29, 1861.]

WHEREAS by indenture of lease, bearing date in the year of our Lord one thousand eight hundred and fifty-one, Sir Graham Graham Montgomery, Baronet, did grant and demise one acre of land on lot or township number thirty-four, in Queen's County, in Prince Edward Island, to Peter Gregor, John Miller, James McCallum and David Lawson, trustees of the Presbyterian Church at Covehead, in connection with the Presbyterian Church of Nova Scotia, and to their successors in office, as a site for a church; and whereas a church has been erected on the said site, and sundry members of, and adherents to the aforesaid Presbyterian Church, have prayed that the trustees of said church be vested with a corporate capacity:

Jas. McCallum
and others, to
be a body cor-
porate:

Name of cor-
poration.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That James MacCallum, Peter Gregor, William Carr and William Lawson, the present trustees of said church, chosen by the congregation until an Act of incorporation be passed, and their successors in office, so long as they shall continue members of the said church at Covehead, and in the aforesaid connection, shall be, and they are hereby declared and constituted a body corporate, under and by the name and style of "the trustees of the Presbyterian Church, Covehead, in connection with the Presbyterian Church of the lower Provinces;" and they and their successors in office for ever shall have a common seal, with power to break, change, and alter the same from time to time at pleasure, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts of judicature in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with relative to the lands and funds of the said corporation, and the business and purposes for which it is hereby constituted as hereinafter declared, and may establish, put in execution, alter or repeal such by-laws, rules or regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, as may appear to the said corporation necessary and expedient to the interest thereof; provided always, that no by-laws, rules, regulations, or other proceedings had, made, done, altered or repealed by the said corporation at any of its meetings, shall have any force or effect until the same shall have been submitted to and approved of by a public meeting of the congregation of said church, to be convened and held in manner as hereinafter mentioned.

Congregation
annually to
elect five trust-
tees.

Qualification of
trustees.

II. It shall be lawful for the persons composing the congregation of the said church, to meet annually on the second Thursday in January in each year, in the said church, or elsewhere, as shall be mentioned in the notice of such meeting, such notice to be posted on the door of said church for three successive weeks prior to such meeting, and then and there proceed to the election of five fit and proper persons, being members of the said congregation, (whose qualification for office shall be the same as that of electors), to act as the trustees of said church; and such persons, when so elected, shall be in lieu of the trustees hereby incorporated, and shall be recognized as the body corporate of said church, three members of which said corporation shall form a quorum for and in all matters and things to be done and disposed of by the said corporation.

Powers of mem-
bers of congre-

III. The members of the congregation of said church at any meeting to be convened as and for the purposes aforesaid;

shall have power to make and order such repairs and improvements as shall to them seem necessary; and also to make such order or orders respecting the disposition of the property, real and personal, of and belonging to the said church, which shall from time to time be vested in the said corporation, as to the majority of the members at such meeting convened and holden as aforesaid, either by themselves or their proxies, duly authorized in writing, shall seem proper and expedient; and it shall be the duty of the said corporation to observe and carry out and execute all such orders so to be made as aforesaid.

gation of said church.

IV. It shall be the duty of the trustees for the time being, to make all arrangements for the letting of pews, imposing and collecting of seat rents, and generally to manage the secular affairs of the congregation of said church, agreeably to the order of the said meeting so to be holden as aforesaid; and for the accomplishing of these ends, the trustees may, in addition to such meetings of the board as may be necessary, call meetings of the congregation, as occasion may require, after notice of ten days, posted as aforesaid, at which congregational meetings all persons qualified to vote for the election of trustees may vote on all questions or matters brought before such last mentioned congregational meetings.

General powers and duties of trustees, &c.

V. Every male person of the age of twenty-one years or upwards who shall hold and pay for one whole pew, or one half pew, in the said church, or who shall have paid into the funds of the corporation annually the sum of ten shillings current money shall be qualified to vote at the election of trustees hereinbefore mentioned.

Persons qualified to vote at the election of trustees.

VI. All or any one or more of the trustees in office, at the time of such annual election, shall be eligible to be reelected.

Trustees eligible for reelection.

VII. When any vacancy or vacancies shall happen by death, removal, resignation or otherwise, in the said board of trustees, after any such election as aforesaid, and before the then next annual election, it shall be lawful to elect one or more duly qualified person, or persons to fill such vacancy or vacancies in the same manner, and subject to the same rules and regulations, as are hereinbefore prescribed for annual elections of trustees.

Mode of filling up vacancies.

VIII. If it should happen that no election of trustees shall take place on the said second Thursday in January in any year as aforesaid, then and in such case, the trustees then in office shall continue and remain in office for, during, and until the expiration of the next ensuing year, unless a requisition signed by at least twelve of those persons who shall be qualified to vote as aforesaid, shall be presented to the trustees calling upon them to cause a meeting to be held for the election of

If no election takes place, trustees to continue in office.

trustees, and of which meeting ten days' notice shall be given, and such meeting shall be held and conducted in manner and form as hereinbefore prescribed with respect to annual elections.

Corporation to hold real estate &c., to the annual value of 1000*l* currency.

IX. It shall be lawful for the said corporation to contract for and purchase, or in any lawful manner, whether by gift, grant, demise, legacy, bequest, or otherwise, to acquire, obtain and hold, either in fee simple for life, or any term of years, for the benefit of said church, any messuages, lands, tenements and hereditaments, or any kind of real or personal estate whatsoever in this Island, and to take, receive and hold the the necessary legal conveyances, securities, documents and transfers thereof, and which said messuages, lands, tenements and hereditaments, real and personal estate, shall be and remain vested in the said corporation; provided always, that the net annual value of such real and personal estate shall not exceed at any one time the sum of one thousand pounds currency of this Island.

CAP. XV.

18 Vic. c. 34.

An Act to amend the Act to incorporate the town of Charlottetown.

[Passed April 29, 1861.]

WHEREAS it is necessary to amend the Act passed in the eighteenth year of her present Majesty's reign, intituled "An Act to incorporate the town of Charlottetown:" Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Assessment may be increased from £1000 to £1500.

I. The City Council may, by a by-law for that purpose duly passed and assented to, assess, levy, collect and raise for the said city, in any one year, a sum not exceeding fifteen hundred pounds, in lieu and stead of one thousand pounds, which by the said Act it is now entitled to assess and levy, raise and collect, any thing in the said Act to the contrary notwithstanding.

Assessment on real estate not to exceed £1000

II. Provided always, that it shall not be lawful for the said City Council to assess and levy, raise and collect from real estate in the said City, in any one year, a greater or larger sum of money than one thousand pounds.

CAP. XIX.

An Act to authorize the trustees of the Georgetown Schools to sell the present school site therein, and to appropriate a portion of the public square as a school site in lieu thereof.

[Passed April 29, 1861.]

WHEREAS the present site of the principal public school at Georgetown is a low and damp locality, thereby rendering it unhealthy to the scholars attending the said school, and in other respects the schoolhouse thereon erected is unsuitable for the purposes of said school, and the inhabitants of Georgetown have therefore prayed the Legislature for authority to sell and dispose of said school site, together with the said schoolhouse or building thereon erected, and to appropriate a portion of the public square in said town as a site on which to build a new schoolhouse, suitable for the purposes of both the public schools in Georgetown :

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so soon as this Act shall go into operation, it shall be lawful for the Surveyor General of this Island, by authority of the Governor in Council, to measure and mark off a part of the public square at Georgetown, on the rising ground at or near the south-west corner of said square, west of the market house, as and for a site for a schoolhouse, for the use of public schools in said town; the same to be laid off in such particular part of said south-west corner of said square as shall be chosen and pointed out by the school trustees; provided that the said site so to be laid off shall not exceed in the whole six thousand four hundred square feet, or eighty feet each way, and shall be either square or oblong in form, and be laid off as nearly as can be at right angles with the sides and ends of said square, one side of such site to coincide with or abut the end or side of said square.

Surveyor General to mark off site for a schoolhouse.

Dimensions of site.

II. When the Surveyor General shall have so laid off the said site, he shall draw a plan and set forth a written description of the same, with the date of the survey thereof, which plan and description shall be registered on the acknowledgment of the said Surveyor General, in the office of the Registrar of deeds for the said Island, and shall be there kept with the other plans deposited in that office; and the piece of ground comprised in said site, and so laid off and marked and described in said plan and description, shall be, and is hereby declared to be vested in the said trustees of said Georgetown schools, and their successors in office for ever, as and for a site for a schoolhouse for the use of said schools.

Surveyor General to draw a plan, &c.

Site to vest in trustees of Georgetown schools.

Trustees may
sell present
school site and
schoolhouse.

III. The said trustees are hereby empowered, at any time after the passing of this Act, to make sale and dispose of the school site at present used for the purposes of the principal public schools at Georgetown, namely, town lots numbers thirteen and fourteen, third range, letter B, together with the schoolhouse or building thereon erected, in such manner and for such purposes, and separately or together, as they shall see fit; provided always, that the proceeds arising from the sale of such schoolhouse and site shall be appropriated by them to and for the purposes of building and completing a building or schoolhouse, to be erected on the site hereby granted for the use of the public schools at Georgetown as aforesaid.

CAP. XXIV.

An Act to incorporate the trustees of Saint Dunstan's College in Queen's County, and for other purposes therein mentioned.

[Passed April 29, 1861.]

WHEREAS the Right Reverend Bernard Donald MacDonald, Roman Catholic Bishop of Charlottetown, now deceased, did on the seventeenth day of January, one thousand eight hundred and fifty-five, open and establish a College in the royalty of Charlottetown, in Queen's County, commonly known by the name of Saint Dunstan's College: and whereas the said Right Reverend Bernard Donald MacDonald did, by his last will and testament, bearing date the tenth day of September, one thousand eight hundred and fifty-nine, devise and bequeath the said college, and the property thereunto belonging, to the Reverend Peter MacIntyre, the Very Reverend James MacDonald, Pastor of Saint Mary's, Indian River, and to the Reverend Angus MacDonald, Rector of the said college, their heirs and successors, as trustees of the college aforesaid, to have and to hold the same for ever for the use and benefit of the said college: and whereas it hath been represented to the Legislature of this Island by the Right Reverend Peter MacIntyre, Roman Catholic Bishop of Charlottetown, the Very Reverend James MacDonald, and the Reverend Angus MacDonald, that in order to insure the stability and permanency of the said college, and advance the interests of education in connection therewith, it is desirable that the said college should be incorporated, and they have accordingly petitioned that the same may be incorporated by law for the purposes and objects aforesaid: and whereas it is expedient to comply with the prayer of the said petition: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Recites the
will of the
Rt. Rev. B. D.
McDonald.

The Rt. Rev.
Peter Mac-

I. That the said Right Reverend Peter MacIntyre, the Very Reverend James MacDonald, and the Reverend Angus

MacDonald, together with one or two other trustees to be appointed as hereinafter mentioned, and their successors for ever, which said successors shall be elected and chosen in way and manner hereinafter mentioned, shall be, and they are hereby constituted and declared a body corporate and politic, in name and in deed, and by the name and style of "the trustees of Saint Dunstan's College," and shall be a perpetual corporation, and shall have succession for ever, and a common seal, with power to break, change and alter the same from time to time, at pleasure, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defending, answering and being answered unto, in all courts of judicature, in all manner of actions, suits, complaints, matters and causes whatsoever, and also of contracting and being contracted with, relative to the funds of the said corporation, and the business and purposes for which it is hereby constituted, as is hereinafter declared; and shall have full power to make, establish, and put in execution, alter or repeal such by-laws, rules and ordinances and regulations, not contrary to the laws of this Island, or the provisions of this Act, as the said corporation shall deem useful and necessary, as well concerning the system of education in the said college as for the government of the same, and the corporation thereof, and the superintendence, advantage and improvement of all the property moveable or immoveable, belonging to, or which shall hereafter belong to the said corporation; provided always, that a majority of the members of the said corporation shall be a quorum for all business to be transacted by the said corporation not hereinafter provided for.

Intyre and others, incorporated.

Name of corporation.

To have succession and a common seal, &c.

To make and alter by-laws, &c.

What to constitute a quorum.

Certain lands, &c. to be vested in said corporation.

II. That the lands, messuages and tenements now held by the said Right Reverend Peter MacIntyre, the Very Reverend James Macdonald, and the Reverend Angus MacDonald, as trustees of the said college, by virtue of the aforesaid last will and testament, shall be holden by the said corporation, to be possessed thereof for ever, to and for the several trusts and purposes expressed and set forth in said will and testament, so far as this Act shall not alter or affect the same.

Corporation empowered to hold property to the annual value of £2000 sterling;

III. That the said corporation shall have power to take under any legal title whatsoever, and to hold for the said college, without any further authorization, and notwithstanding the Statutes of Mortmain, all land and property moveable or immoveable which may hereafter be sold, ceded, exchanged, given, conveyed, demised or bequeathed to the said corporation, or to sell or alienate the same if need be; provided always, that the net rents, issues and profits arising from the immoveable property, and from the real estate, lands and tenements of the said corporation, shall not at any time exceed the annual sum of two thousand pounds sterling; and the

and to appoint
attorney, &c.

said corporation shall further have the right of appointing an attorney or attorneys, for the management of their affairs, and generally shall enjoy all the rights and privileges enjoyed by other bodies politic and corporate recognized by the Legislature; provided always, that all the property which shall at any time belong to the said corporation, as well as the revenues thereof, shall at all times be exclusively applied and appropriated to the advancement of education in the said college, and to no other object, institution or establishment whatsoever.

Empowered to
appoint addi-
tional trustees.

IV. That the said Right Reverend Peter MacIntyre, the Very Reverend James MacDonald, and the Reverend Angus MacDonald shall have power and authority to elect and choose, so soon as they may deem expedient, one or two other additional trustees in the manner provided by this Act for the appointment of new trustees, and such new trustee or trustees, when so appointed, shall have all the rights, powers and authority which were vested in the trustees named in the said recited last will and testament, and which are given and confirmed to the said members of the said corporation by this Act.

Powers of such
trustees.

Mode of filling
up vacancies
occurring by
death, &c.

V. That when a vacancy shall happen in the said corporation by death, resignation, or other removal of either of the before named Right Reverend Peter MacIntyre, the Very Reverend James MacDonald, and the Reverend Angus MacDonald, or of the trustee or trustees that may be appointed, according to the power given in the preceding clause, or any of their successors in office, the said vacancy or vacancies shall be filled up by the persons who shall be duly elected by a majority of votes of the surviving or remaining members of the said corporation; and the person or persons so elected shall not have any power or authority to exercise his or their functions as a member or members of said corporation, until his or their said election shall be duly registered in the proper register office within this Island, which registry shall be on production of a certificate signed by the trustee or trustees present at such election, and on the oath of one of them, or of any subscribing witness thereto.

Person elected
not to act, until
election regis-
tered.

Mode of notify-
ing vacancy
and election of
trustees.

VI. That when a vacancy shall happen in the said corporation as aforesaid, the secretary of the said corporation shall give notice thereof for three succeeding weeks, in the *Royal Gazette* of this Island; and shall at the same time, and in the same manner, notify the members of the said corporation when and where the said vacancy shall be filled up.

Bishop to be vi-
sitor of college.

VII. That the Roman Catholic Bishop of Charlottetown for the time being shall be the visitor of the said College.

VIII. That the absence of any member of the said corporation from this Island for two years shall deprive such member of his trusteeship of said corporation; and the vacancy thus occasioned shall be filled up in the same manner as other vacancies.

Two year's absence from the Island to vacate trusteeship.

IX. And whereas the Right Reverend Æneas Bernard MacEachern, late Roman Catholic Bishop of Charlottetown, now deceased, did on the thirtieth day of November, in the year of our Lord one thousand eight hundred and thirty-one, establish a college at Saint Andrew's, in this Island, and did subsequently by deed of release, release and convey all his estate, right, title and interest in said college, with the lands, tenements and hereditaments thereunto belonging, unto certain persons therein named, their heirs and successors, as trustees of said College, to hold the said lands, tenements and hereditaments, in fee simple, in trust for the use and benefit of said college, which trustees, and their successors in office, were by Act of the sixth year of His late Majesty King William the fourth, chapter twenty-three, constituted and declared a body corporate by the name and style of "The Trustees of Saint Andrew's College," with perpetual succession and other privileges for the benefit of said college: and whereas the said Saint Andrew's college is not now in operation, and the said trustees are desirous, that the moneys which are now in the hands of the treasurer of said college, and those which may hereafter from time to time accrue and arise from and out of the said lands, tenements and hereditaments belonging or appertaining to said college, and so conveyed to them in trust as aforesaid, should be paid over to the trustees of Saint Dunstan's college, incorporated hereunder, to be appropriated by them to and for the purposes of such last named college under this Act: Be it therefore enacted, that it shall and may be lawful for the aforesaid trustees of said Saint Andrew's college, or the majority of them, when and as often as they shall see fit, pay over to the said trustees of Saint Dunstan's college, hereby incorporated, all or any of the moneys already in the hands of the treasurer of Saint Andrew's college, as aforesaid; and all such moneys as may hereafter from time to time accrue and arise, as rents, issues or profits, from and out of the aforesaid lands, tenements and hereditaments belonging to said Saint Andrew's college as aforesaid, to be appropriated and applied to and for the uses and purposes of the said college known as Saint Dunstan's, under the trusts and provisions of this Act.

Recites the establishment of St. Andrew's college.

Recites 6th Will. 4th, c.23, incorporating trustees.

Trustees of St. Andrew's college to pay over to trustees of St. Dunstan's all moneys, &c., in the hands of their treasurer for the use of the latter college.

X. Nothing herein contained shall affect in any manner the rights of Her Majesty, her heirs or successors, or of any person or persons, or of any body corporate or politic, such only excepted as are herein named.

Nothing in this Act to affect the rights of Her Majesty, &c.

To be a public Act.

XI. This Act shall be deemed a public Act, and shall be duly taken notice of by all judges, justices of the peace, and ministers of justice, and other persons whomsoever, without being specially pleaded.

CAP. XXV.

14 Vic. c. 28. An Act to continue an Act relative to accidents by fire, and for the improvement of property in Georgetown, and for the removal of nuisances from the streets and squares thereof.

[Passed April 29, 1861.]

WHEREAS the Act of the fourteenth year of the reign of Her present Majesty, chapter twenty-eight, intituled "An Act relative to accidents by fire, and for the improvement of property in Georgetown, and for the removal of nuisances from the streets and squares thereof," will shortly expire, and it is deemed expedient to continue the same:

Continues 14th Vic., c. 28, for ten years, &c.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that the said recited Act of the fourteenth Victoria, chapter twenty-eight, shall be, and the same is hereby continued in force for the period of ten years from the time of the passing hereof, and from thence to the end of the then next session of the General Assembly of this Island, and no longer.

CAP. XXX.

23 Vic. c. 33. An Act to alter and amend the Act incorporating the Crapaud dredging machine company.

[Passed April 29, 1861.]

Preamble.

WHEREAS by the Act of the twenty-third Victoria, chapter thirty-three, certain persons therein named were incorporated under the name and style of the "Crapaud dredging machine company," with the view to entitle themselves to the sum of two hundred and fifty pounds appropriated by the House of Assembly to be paid to such person or persons as should construct and finish, to the satisfaction of the Government for the time being, a dredging machine, adapted to the purpose of deepening certain rivers and bays in this Island; and whereas the said company have ascertained, that the cost of building such machine would far exceed their limited means, and that a dredging machine adapted to the above named purposes can be procured on hire at much less expense, and have petitioned the Legislature to alter and amend the said Act, so as to authorize them to hire such machine, and to

draw the said sum of two hundred and fifty pounds, so appropriated as aforesaid, to aid them in paying for the same; and it is deemed expedient to grant the prayer of petitioners:

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that when and so soon as the said Crapaud dredging machine company, by a dredging machine to be constructed and finished by said company, or by any other company or person either in this Island or elsewhere, and hired by them for the purposes aforesaid, shall dredge and deepen the harbour of Crapaud, in this Island, to the satisfaction of the Lieutenant Governor in Council for the time being, there shall be paid to the said Crapaud dredging machine company the said sum of two hundred and fifty pounds, so appropriated as aforesaid, by warrant, under the hand and seal of the Lieutenant Governor, to be drawn on the treasury of this Island.

When the Crapaud dredging machine company shall have dredged and deepened Crapaud harbor to the satisfaction of Lieut. Governor in Council, company to be entitled to grant of £250.

II. If the amount subscribed by the shareholders of said company, together with the said sum of two hundred and fifty pounds, so to be paid as aforesaid, be insufficient to cover the cost of dredging and deepening Crapaud harbor as aforesaid; and a certificate to that effect shall be signed and duly certified by the president or chairman of the said company, under his hand and the seal of the said company, and also signed by the secretary or chief clerk of said company, and laid before His Excellency the Lieutenant Governor and Her Majesty's Executive Council, then the balance or deficiency shall and may be raised by imposing and levying a duty on all agricultural produce shipped or exported therefrom.

If funds of company &c., be insufficient to dredge said harbor, balance to be raised by imposing a duty on produce shipped therefrom.

III. The said duty shall be at the rate of one halfpenny *per* bushel on all agricultural produce shipped or exported from said harbor as aforesaid, and shall be paid by the person or persons who shall cause the same to be so shipped, and shall be collected by such person as shall for that purpose be appointed by the Lieutenant Governor in Council.

Rate of said duty and by whom to be paid.

IV. The said duty shall come into force and operation on such day, and shall continue for such time during the operation of this Act, as shall be appointed and expressed in and by an order of His Excellency the Lieutenant Governor in Council, and after, and not before, such order shall have been published at least three weeks in the *Royal Gazette* newspaper published in Charlottetown.

When and how such duty to commence and be continued.

V. No agricultural produce, liable to export duty under this Act, shall be exported from the harbor or port of Crapaud aforesaid, or put or shipped on board of any vessel for that purpose, without a permit in writing, signed by the person

No produce liable to such duty, to be shipped without permit from collector.

appointed to collect such duty, being first granted and delivered to the person or persons intending to export the same, which permit shall be in the form in the schedule to this Act annexed.

Persons shipping produce without permit to forfeit for every bushel the sum of three pence.

VI. Every person who shall ship or cause to be shipped from the said port or harbor of Crapaud, and every master or other person in charge of any vessel lying in such port or harbor who shall receive on board thereof any agricultural produce, to be exported from the said port or harbor, without such written permit, signed as aforesaid, shall forfeit and pay for every bushel of agricultural produce so shipped or received on board as aforesaid, the sum of three pence.

Collector to render an account of duties to president of company every three months.

VII. The person to be appointed to collect the several duties under this Act shall account to the president of the said company, once in every three months, for all sums or duties collected by him by virtue hereof; and such collector shall receive a commission or *per centage* of five *per centum* on all such sums so collected by him.

Fines, under this Act, how recovered.

VIII. All fines and forfeitures under this Act shall and may be recovered in the name of the collector, to be appointed as aforesaid, before any one or more of her Majesty's Justices of the Peace for Queen's County, and shall be levied by warrant of distress and sale on the goods and chattels of the offender or offenders; and if no goods and chattels can be found whereon to levy, the said Justice or Justices are hereby authorized and empowered to commit such offender or offenders to prison for a period not exceeding three months.

Penalties to whom to be paid, and how appropriated.

IX. All penalties imposed by this Act shall, when recovered, be paid over to the person appointed to collect the export duties on produce imposed by this Act, and applied to the same objects and purposes as the said duties are required to be applied to, under the provisions of this Act.

SCHEDULE referred to in this Act.

Schedule.

Permit to ship on board the or
vessel master, bushels of the
export duty thereon having been paid to me.

A. B., Collector.

CAP. XXXII.

An Act to alter and amend the Act intituled "An Act to incorporate sundry persons by the name of the Cascumpec marine railway company." 25 Vic. c. 31.

[Passed April 29, 1861.]

WHEREAS a large portion of the capital to be raised by the said Act has been subscribed for, but from various causes, certain provisions in the said Act cannot be complied with within the time thereby limited; and whereas an error was committed in the signatures to the notices for organization of the said company: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. The election of directors of the said company made or intended to be made on the twenty-third day of April, now instant, shall be valid, notwithstanding any defect in the notice for the same, and the persons so elected shall continue in office until the next annual general meeting.

Election of directors to be valid, notwithstanding any defect in the notice.

II. At all meetings of directors, three shall be a quorum, and all matters shall be decided by a majority, the president, or chairman in his absence, having a casting vote, in case of equality of votes; and in the event of any director dying, resigning, becoming incapable, or declining to act, the remaining directors shall fill up the vacancy until the next annual general meeting.

Number of directors to constitute a quorum, &c.

III. The time limited for payment of one fourth part of the capital under the said Act shall be extended for one year after the passing of this Act; and the directors shall have power to sue any shareholder making default in payment of his calls; but no shareholder shall be liable in any case for more than the amount of the shares held by him.

Time extended for payment of one fourth part of capital stock.

CAP. XXXIII.

An Act to authorize the exportation of the horse Saladin from this Island, and to repeal a certain Act therein mentioned.

[Passed April 29, 1861.]

WHEREAS the Legislature of this Island, by the Act of Preamble.
the eighth year of her present Majesty's reign, chapter twenty-two, granted the sum of one hundred and fifty pounds to the Central Agricultural Society, for the purchase and importation of an entire horse, to be sold on arrival at public auction, under certain conditions, one of which was, that the said horse should not be exported from this Island; and whereas an entire horse called Saladin was purchased

and imported by the said society, and sold by auction to the Honorable William Walter Irving, on or about the twenty-ninth day of November, one thousand eight hundred and forty-five, who, together with the Honorable William Forgan and the late Honorable Stephen Rice, became bound to our Sovereign Lady the Queen, her heirs and successors, in the sum of four hundred and forty pounds, to observe the conditions of the grant, and not to export the said horse, or suffer the same to be exported from this Island; and whereas it is deemed expedient to authorize the Royal Agricultural Society to discharge the said bond:

Agricultural
Society to cancel
bond, &c.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall be lawful for the president and committee of the Royal Agricultural Society of Prince Edward Island to cancel the said bond, and to allow the said horse Saladin to be exported from this Island, with or without conditions, as to the said society shall seem expedient.

Act 15th Vic.
cap. 9, hereby
repealed.

II. The Act of the fifteenth Victoria, chapter nine, intituled "An Act to enable the Royal Agricultural Society of Prince Edward Island to authorize the exportation of the horse Saladin, from this Island, on certain conditions," shall be, and the same is hereby repealed.

PRIVATE AND LOCAL ACTS.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

CAP. VIII.

An Act for the prevention and punishment of vice and immorality in the City of Charlottetown.

[Passed April 17, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly as follows:

I. The City Council of the City of Charlottetown shall have power to suppress brothels and houses kept for the purpose of prostitution, and to punish the keepers and inmates thereof; and for this purpose it shall be lawful for the Mayor and City Council, on satisfactory proof, by order, to authorize the city marshal or constables to enter, by night or by day, into houses where it is known, or where there is good and sufficient reason to suspect that females are kept or harbored for the purposes of prostitution, and to take into custody the keepers of such houses, and such lewd and disorderly persons as may be found therein, and upon conviction, to punish the offenders by fine, not exceeding five pounds.

City Council empowered to suppress brothels, &c.

II. It shall be lawful for the Police Court of the said City, upon the information of any of its officers, or upon the complaint of any individual, to summon before it, persons accused of keeping brothels, or houses of prostitution, and upon trial and conviction, to punish the offenders as aforesaid.

Authority to Police Court to punish keepers of brothels.

City Council
may pass by-
laws, &c.

III. The City Council may pass a by-law, or by-laws for the better carrying this Act into effect, to be approved of by the Lieutenant Governor in Council.

CAP. XV.

An Act to incorporate Victoria Lodge, No. 383, R. S., of Free and accepted Masons of Charlottetown, in Prince Edward Island.

[Passed April 17, 1862.]

WHEREAS a Lodge of Free and accepted Masons, under the name and title of Victoria Lodge No. 383, of Charlottetown, in Prince Edward Island, holding warrant under the most worshipful the Grand Lodge of Scotland, in Great Britain, bearing date, the second day of August, 1858: and whereas, in addition to the moral and charitable objects which have been perpetuated by the ancient and honorable fraternity of Free and accepted Masons, from time immemorial, it is found necessary for the better management of the pecuniary affairs of the said Lodge of Free and accepted Masons, that it should be protected by an Act of incorporation: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

J. W. Morrison
and others in-
corporated.

I. That John William Morrison, Samuel Nelson, Cuthbert Charles Vaux, Charles Young, Neil Rankin, John Herbert Turner and John Cairns, past masters, masters, and members of Victoria Lodge, No. 383, of Free and accepted Masons, of Charlottetown, in Prince Edward Island, and their successors, and such and so many other persons and parties as have become, or shall become members thereof, shall be and are hereby constituted a body politic and corporate, by the name of Victoria Lodge, No. 383, R. S., of Free and accepted Masons, of Charlottetown, in Prince Edward Island, and by that name shall and may sue, and be sued, implead and be impleaded, answer and be answered unto, in all courts of law or equity whatsoever; and shall have uninterrupted succession and a common seal, which may by them be changed or varied at their pleasure.

Name of corpo-
ration.

To hold real
and personal
property, &c.

II. It shall be lawful for the said Lodge to acquire and hold land and immoveable or real and personal property: provided that the real estate to be held by the said Lodge, shall at no time exceed in value the sum of one thousand pounds; and it shall be lawful for the said corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

To appoint
members there-
of to manage

III. It shall and may be lawful for the said Lodge to appoint such members thereof as they may think proper, in

such manner as they may by their by-laws provide, for the purpose of managing the funds and property of the said corporation, and to revoke such appointments and substitute others in their places, as they may think expedient, and to demand and accept such security as they, from time to time, deem proper, from such parties, or from any other officers appointed by the said corporation, for the performance of their respective duties; and to make, ordain and put in execution all such by-laws and rules as they may think necessary for the purposes aforesaid, not contrary to the laws and regulations of the most worshipful the Grand Lodge of Scotland, nor at variance with the laws of this Island; that the joint property or stock of the said corporation shall be alone liable for its debts, or engagements; and that no member of the said corporation shall be, or become liable, responsible, chargeable, or accountable by any ways or means for any other or greater sum of money than the amount of his annual subscription fee paid into the joint fund of the said corporation.

funds and property of corporation, &c.

What property liable for debts of corporation.

IV. It shall and may be lawful for the trustees of said corporation, and they are hereby empowered, from time to time, by and with the consent of the said Lodge, to be testified in such manner as may be directed by their by-laws, to lay out and invest all such sum or sums of money as shall from time to time be collected and not required for the immediate exigencies of the said Lodge, in real estate, or on mortgage, or in public or other stock, or funds, or in such other manner as the majority of the said Lodge shall deem best; and from time to time, with the like consent, to alter, sell, and transfer such securities, real estate, or funds respectively, and otherwise to reinvest or dispose of the same, and the certificate, bill of sale, deed, or other instrument of transfer, sale or discharge of such estate, or funds, or security, shall be made under the seal of the said Lodge, and signed by the trustees or officers of the said Lodge; and all such investments shall be made and securities taken, and sales and transfers made, in the corporate name of the said Lodge.

How surplus moneys of corporation shall be invested, &c.

V. It shall be lawful for the said Lodge to receive from the treasurer and trustees, from time to time, in their corporate name, sufficient security by bond, with one or more surety or sureties, or otherwise, as the said Lodge may direct, for the faithful performance of his or their duties as such, and that he or they will well and truly account for, and pay and invest from time to time, all such sums of money, funds, or other property, as may come to his or their hands, or under his or their control, belonging to the said corporation.

Trustees and treasurer to give security by bond for due performance of their duties, &c.

CAP. XVI.

An Act to incorporate the Roman Catholic Bishop in Charlottetown.

[Passed April 17, 1862.]

WHEREAS it is deemed just and expedient to incorporate the Right Reverend Peter MacIntyre, Roman Catholic Bishop in Charlottetown, in Prince Edward Island, for the purpose of enabling him and his successors to hold and acquire real estate in this Island for religious purposes.

Roman Catholic Bishop incorporated.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Right Reverend Peter MacIntyre, and his successor and successors, being the Roman Catholic Bishop in Charlottetown aforesaid, in communion with the Church of Rome, and being British born subjects, or duly naturalized, shall be, and he is hereby declared to be a body corporate, in his diocese aforesaid, in deed and in name, and the said Peter MacIntyre and his successor and successors for the time being, by the name of "the Roman Catholic Episcopal corporation of the diocese of Charlottetown," shall, by the same name, have perpetual succession, and a common seal, and shall have power from time to time, by and with the advice of his Vicar General, or of two clergymen, as hereinafter mentioned, to alter and renew, or change such common seal at pleasure, and shall by the name aforesaid, from time to time, and at all times hereafter, be able and capable in law, to have, hold, purchase, acquire, possess and enjoy, for the general use and uses, eleemosynary, ecclesiastical, or educational, of the said Church of Rome, in his diocese, or of the religious community, or of any portion of the same community within his diocese, any lands, tenements, or hereditaments within the said Island, and the same real estate, or any part thereof, for the purposes aforesaid, from time to time, by and with the advice and consent of his Vicar General, or of two clergymen, as aforesaid, to let or demise by indenture, under the seal of the said corporation, for any period not exceeding twenty-one years, from the day of the making thereof; provided that upon any such lease, the rent shall be reserved and payable to the said corporation, yearly, and every year during the continuance of the said lease; and no such lease shall be made without impeachment of waste, and no fine or sum in gross, shall, under any pretence whatsoever, be taken for the same, beyond such yearly rent so reserved, as aforesaid, otherwise the said lease shall be utterly null and void to all intents and purposes whatsoever; and by the same name respectively, the said Roman Catholic Bishop, and his successor and successors shall and may be able and capable in law, to sue and be sued, implead

and be impleaded, answer and be answered in all courts of law and equity and places whatsoever, in as large, ample, and beneficial a manner as any other body corporate, or as any other person may or can in law or equity sue or be sued, implead or be impleaded, answer or be answered unto, in any manner whatsoever; provided always, that the lands, tenements and premises so to be holden by the said corporation shall not at any time exceed the annual value of four hundred pounds, in any one parish of this Island; and further provided that the rents and profits arising from any such lands and premises, shall be applied for the uses and purposes of the church or churches within the parish where such lands are situate, and not elsewhere.

II. It shall be lawful for any person or persons within the said diocese of the said Roman Catholic Bishop, in whom or in whose name or names, any lands, tenements and hereditaments, situate, lying and being within the said Island, are now, or shall, or may be hereafter vested in trust or otherwise, for the benefit of the said Roman Catholic Church, in the said diocese, from time to time, to convey, assign, or transfer by deed under his hand and seal, or their hands and seals, in the usual legal way, all or any of the said lands, tenements, and hereditaments unto the Roman Catholic Bishop for the time being of the said diocese, by his corporate name aforesaid, to be holden by the said Bishop and his successor and successors, in his said corporate name aforesaid, for the purposes aforesaid, as provided by this Act.

Lands held in trust for Church how conveyed.

III. It shall not be lawful for the said Bishop, or his successor or successors, for the time being, to make or execute any indenture of lease as aforesaid, of the lands, tenements and hereditaments acquired or held, or to be hereafter acquired or held by him under and by virtue of this Act, without the consent in writing of his Vicar General; or in case the said Vicar General shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two other clergymen to be selected or named by the Roman Catholic Bishop of the diocese; such selection or nomination, and such consent, to appear upon the face of the indenture or lease intended to be executed by the parties, and to be testified by the said Bishop and Vicar General, or two clergymen as aforesaid, being made parties to and signing and sealing the said indenture of lease in the presence of two credible witnesses, as consenting parties thereto, respectively.

Leases, what consent obtained for.

IV. Nothing in this Act contained shall extend or be construed to extend, in any manner, to confer any spiritual or ecclesiastical rights whatsoever, upon the said Roman Ca-

Act not to confer spiritual jurisdiction.

tholic Bishop hereinbefore mentioned, or upon his successor or successors, or other ecclesiastical person of the said church, in communion with the Church of Rome aforesaid.

By whom corporate powers to be exercised in certain cases

V. In case the said Roman Catholic Bishop, or his successor or successors, shall from sickness, infirmity, or any other cause, be incapable of, or be incapacitated from performing his or their duties in his diocese, then his Vicar General, or the person administering the diocese, shall have the same powers as are by this Act conferred upon the Roman Catholic Bishop of the said diocese.

Rights of Her Majesty and others, reserved

VI. Nothing herein contained shall affect or be construed to affect, in any manner or way, the rights of Her Majesty, her heirs or successors, or of any person or persons whomsoever, or of any body politic or corporate, or of any church warden, or auditors of accounts in any Roman Catholic Church in this Island, or in any way to abridge, diminish, or take away any of the rights, privileges, and advantages now enjoyed and possessed by any pewholder, or any person having any right, title, or interest in any pew or sitting in any Roman Catholic Church in this Island, such only excepted as are hereinbefore mentioned and provided for.

Suspension clause.

VII. This Act shall not come in force or be in operation until Her Majesty's Royal approbation be thereunto had and declared.

. This Act received the Royal allowance on the 1st day of November 1862, as appears by a despatch from His Grace the Duke of Newcastle, of the 13th November 1862, which was published in the Royal Gazette newspaper of this Island, on the 3rd day of December of the same year.

CAP. XVII.

An Act to incorporate the minister and trustees of the Presbyterian Church, Bedeque.

[Passed April 17, 1862.]

WHEREAS it is desirable for the efficient management of the temporal affairs of the Presbyterian Church congregation, Bedeque, that its minister and trustees be an incorporate body.

Rev. Robert S. Patterson and others, incorporated.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, that is to say: That the Reverend Robert S. Patterson be *ex officio*, and Hugh Montgomery, Esquire, Honorable Alexander Anderson, Robert Cairns, Thomas Townsend, John Clay, and their successors in office, shall be, and are hereby constituted and declared to be a body corporate, under and by the name of "the minister and trustees of the Presbyterian Church, Bedeque," and they

Name of corporation.

and their successors in office, shall have a common seal, with power to break, change, and alter the same from time to time, as may be found requisite, and shall be in law capable of suing, pleading, defending and answering, and of being sued, impleaded, defended and answered unto, in all Courts of Judicature, in all manner of actions, and also, of contracting, and being contracted with, relative to the lands and funds of the said corporation, and the other purposes for which it is constituted, as hereinafter declared; and may establish, put in execution, alter, or repeal such by-laws and regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, as may appear to the said corporation necessary and expedient for the interests thereof, and for these purposes, appoint their own chairman and other officers; four members being a quorum in all matters to be done and disposed of by the said corporation.

Four members
to form a quorum.

II. That when any vacancy in the said trust shall arise by death, resignation, or otherwise, that the minister of the said church shall give notice that a meeting of the members of the said church shall be held on a given day for the election of one or more trustees, to fill the said vacancy, or vacancies, and that the said notice shall be given in the said Church, in Bedeque, immediately after divine service, on the morning of the two Sabbaths next preceding the said meeting, and the choice of the said trustee or trustees shall be determined by the vote of the majority of the male members of the said church then present, being of the age of twenty-one years or upwards.

Mode of filling
up vacancies
occurring by
death, &c.

III. That it shall and may be lawful for the trustees for the time being, to be appointed by, or in pursuance of this Act, or the major part of them, and they are hereby empowered in their several names, and under their designation of the trustees of the Presbyterian Church, at Bedeque, to contract for, and purchase, or in any lawful mode, whether by demise, bequest, or otherwise, to acquire or obtain, either in fee simple, or for any life or lives, or for term or terms of years, for the benefit or purposes of the said church, any messuages, lands, tenements, buildings, or hereditaments, real or personal estate whatsoever, in this Island, and to take and receive the necessary and legal conveyances, leases and assignments, devises, or other transfers thereof, respectively, to hold for, upon, under, and subject to the uses and purposes in this Act mentioned; and that the said messuages, lands and tenements, with the appurtenances, shall be, and remain vested in the said trustees, subject, nevertheless, in all cases, to be used and disposed of, according to the decision of the majority of the male members of the said Presbyterian Church, for the time being, of the age aforesaid.

Corporation
may contract
for and purchase
lands or
personal estate,
&c.

Trustees empowered to sell and exchange, &c., real estate, &c.

IV. That it shall and may be lawful for the said trustees for the time being, and they are hereby authorized and empowered to grant, sell, exchange, mortgage, lease, convey or dispose of, to such person or persons as the majority of the said male members of the said Presbyterian Church shall think proper, and for such prices, sums, rents, or terms, as shall be agreed upon, as well all, or any part of the said lands, hereditaments and premises now held or hereafter to be conveyed to, or held by the said trustees for the time being, as all, or any of the personal estate, and property of the said trustees, or Presbyterian Church, for the time being, and to such extent, and such proportions, and at such times, as the trustees, for the time being, shall think proper to exchange, sell, mortgage, lease, convey, or dispose of the same; and every such deed, mortgage, lease, or conveyance thereof, executed by the trustees for the time being, in their name of office aforesaid, under the common seal of the said corporation, shall be sufficient and valid in law, to convey to the grantee, mortgagee, lessee, or purchaser, or grantees, mortgagees, lessees, or purchasers, respectively, either in perpetuity, or by way of mortgage or lease for years, or otherwise, as the case may be, all such estate, title and interest therein, as the said trustees and corporation, or the said Presbyterian Church, now have, or are entitled to, or they shall hold or be entitled unto, or into, or out of, any such real estate, or property whatsoever, now held or hereafter to be obtained, so granted, mortgaged, leased or disposed of, or as the said trustees for the time being, and corporation, on behalf of the said Presbyterian Church, can lawfully by such deed, mortgage, lease, or conveyance respectively, vest in the grantee, mortgagee, or lessee named therein.

Corporation to retain out of trust funds costs, &c.

V. That the said corporation shall retain or be paid and allowed out of the trust funds all reasonable costs, charges and expenses incurred in and about the trust aforesaid; provided always, that it shall not be lawful for the said corporation to hold real estate for the use of the said church, which shall exceed in value and yield at any time more than a clear net yearly income of three hundred pounds sterling.

This Act not to affect rights of Her Majesty.

VI. That nothing herein contained shall affect, or be construed to affect in any manner or way, the rights of Her Majesty, her heirs or successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned.

Public Act.

VII. That this Act shall be deemed a public Act and shall be judicially taken notice of as such by all judges, justices of the peace and ministers of justice, and other persons whomsoever, without being specially pleaded.

VIII. This Act shall continue and be in force for the space of five years from the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer.

Continuance
of Act.

CAP. XX.

An Act to incorporate the minister and trustees of the Presbyterian Church at Elliot River, township number sixty-five.

[Passed April 17, 1862.]

WHEREAS it is desirable for the efficient management of the temporal affairs of the Presbyterian congregation, Elliot river, township number sixty-five, that its minister and trustees be an incorporate body: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows, that is to say:

I. That the Reverend William Ross be *ex officio*, and Ewen McMillan, Richard Burdett, Donald Currie, David McEwen, Donald McLeod, and Norman McKenzie, and their successors for ever, shall be and are hereby constituted and declared to be a body corporate under and by the name of "the minister and trustees of the Presbyterian Church, Elliot river," and shall continue in office until the first Tuesday in January in the year of our Lord one thousand eight hundred and sixty-three, and they and their successors in office for ever, shall have a common seal, with power to break, change and alter the same from time to time, as may be found requisite; and shall be in law capable of suing, pleading, defending and answering, and of being sued, impleaded, defended and answered unto in all courts of judicature, in all manner of actions; and also of contracting, and being contracted with, relative to the lands and funds of the said corporation and the other purposes for which it is constituted as hereinafter declared; and may establish, put in execution, alter or repeal such by-laws and regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, as may appear to the said corporation necessary and expedient for the interests thereof, and for these purposes appoint their own chairman and other officers, three members being a quorum in all matters to be done and disposed of by the said corporation.

Certain persons
incorporated.

Name of corpo-
ration.

To have a com-
mon seal.

Capable of
pleading, &c.

Three members
to form a quo-
rum.

II. After the passing of this Act, there shall be chosen annually, and on the first Tuesday in January in each year, three persons from among the ecclesiastically constituted office-bearers in the congregation, and likewise also three persons whose qualification for office shall be in all respects the same

Trustees to be
annually cho-
sen, &c.

as that of electors as hereinafter mentioned, making six in all, who shall be, together with the minister of the congregation, or in case of a vacancy, the member of Presbytery appointed to moderate in the session during such vacancy, in lieu of the trustees appointed in this Act, the body corporate of the said congregation.

Election to be held annually on the 1st Tuesday in January

III. The first election under this Act shall take place on the first Tuesday in January, in the year of our Lord one thousand eight hundred and sixty-three, and it shall be the duty of the existing trustees, and they are hereby required, to request the minister or moderator of the session, in case of a vacancy, or the clerk of session, in case of the minister or moderator's absence, to give notice of such election to the congregation at the time of divine service, on two Sabbaths preceding such election; and in case of a vacancy, such notice shall be given by the clerk of session, by inserting the same in the *Royal Gazette*, or other newspaper published in Charlottetown, and shall state the time and place of holding such election, at which time and place the meeting shall choose a chairman; all the male adherents in the congregation from twenty-one years of age, who may hold a pew or half a pew, and not in arrears, or who may be contributing from fifteen shillings and upwards annually, and not in arrears, shall be qualified to vote at such election, the chairman of the said meeting having a casting vote in the case of an equality; and the names of the persons elected shall be duly recorded on the minute book of the corporation; any vacancy that may occur during the year by death, resignation, removal or otherwise, shall be filled up by the trustees, such filling up being valid until next annual election; any one or more or all of the trustees may be reelected, and the election to be in the usual mode of electing in the congregation by open vote; if it should so happen that the election of trustees shall not take place on the first Tuesday in January, then the existing trustees shall continue in office till the expiration of the year.

Vacancy occurring by death or otherwise, how filled up, &c.

Common seal and all other property to be vested in trustees, &c.

IV. The seal of said corporation, and all deeds, books, minutes, vouchers, obligations, securities for moneys, and all and every description of property, really and truly belonging to the congregation, shall, immediately after the passing of this Act, come into the custody and possession of the above named trustees, and shall be by them transferred to their successors immediately following them in office as trustees.

Corporation may contract for and purchase lands or personal estate, &c.

V. It shall and may be lawful for the said corporation to contract for and purchase, or in any lawful mode, whether by gift, grant, devise, bequest or otherwise, to acquire or obtain either in fee simple for life, or for any term of years, for the benefit of said congregation, any messuages, lands, tenements,

buildings, real or personal estate whatsoever in this Island, and to take and receive the legal necessary conveyances, securities, and transfers thereof, and which said messuages, lands, tenements, and hereditaments, real and personal estate, shall be and remain vested in the said corporation, to be used and disposed of however, in all cases, according to the decision of the majority of the congregation qualified to vote as above, in the election of trustees.

VI. It shall not be lawful for the said corporation to hold real estate for the use of the said congregation, which shall exceed in value and yield at any time more than a clear net yearly income of one thousand pounds currency of this Island.

Corporation may hold property to the annual value of 1000*l.* currency

VII. It shall and may be lawful for the said corporate body, for the time being, and they are hereby authorized and empowered, to grant, sell, lease, exchange, mortgage, convey or dispose of, to such person or persons, as the majority of the qualified voters in the congregation shall think proper, and for such prices, sums, rents or terms as shall be agreed upon, the whole or any part of the said lands and premises, now held, or hereafter to be conveyed to, or held by said trustees, and to such extent and proportion as the existing trustees shall think proper; and every deed or conveyance thereof, executed by the said trustees in their name of office, under their common seal, shall be valid in law to convey for years, or otherwise, all such estate, title and interest as the corporation have, or may hereafter have in the same.

Corporation empowered to sell and exchange, &c., real estate, &c.

C A P. X X I.

An Act to incorporate the minister and trustees of the Presbyterian Church, Brookfield, township number twenty-three.

[Passed April 11, 1862.]

WHEREAS it is desirable, for the efficient management of the temporal affairs of the Presbyterian congregation, Brookfield, township number twenty-three, that its minister and trustees be an incorporate body: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows, that is to say:

I. That the Reverend William Ross, be *ex officio*, and Donald Mackinnon, Malcolm Macdonald, William Henderson, John Macrae, Donald Campbell, and Murdoch Macsween, and their successors for ever, shall be, and are hereby constituted and declared to be a body corporate, under and by the name of "the minister and trustees of the Presbyterian Church, Brookfield," and shall continue in office until the first Tuesday in February, in the year of our Lord one thousand eight hun-

Certain persons incorporated.

Name of corporation.

To have a common seal, capable of pleading &c.

dred and sixty-three, and they and their successors in office for ever, shall have a common seal, with power to break, change, and alter the same from time to time, as may be found requisite, and shall be in law capable of suing, pleading, defending, answering, and of being sued, impleaded, defended, and answered unto in all courts of Judicature, in all manner of actions, and also of contracting, and being contracted with, relative to the lands and funds of the said corporation, and the other purposes for which it is constituted, as hereinafter declared; and may establish, put in execution, alter or repeal such by-laws and regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, as may appear to the said corporation necessary and expedient for the interests thereof, and for these purposes appoint their own chairman and other officers, three members being a quorum in all matters to be done and disposed of by the said corporation.

Trustees to be annually chosen, &c.

II. After the passing of this Act, there shall be chosen annually, and on the first Tuesday in February, in each year, three persons from among the ecclesiastically constituted office-bearers of the congregation, and likewise also, three persons from among the members or adherents qualified to vote, as hereinafter mentioned, being six in all, who shall be, together with the minister of the congregation, or in case of a vacancy, the member of Presbytery appointed to moderate in the session during such vacancy, in lieu of the trustees appointed in this Act, the body corporate of the said congregation.

Election to be held annually on the 1st Tuesday in Feb.

III. The first election under this Act, shall take place on the first Tuesday in February, in the year of our Lord one thousand eight hundred and sixty-three, and it shall be the duty of the existing trustees, and they are hereby required to request the minister or moderator of the session, in case of a vacancy, or the clerk of session, in case of the minister or moderator's absence, to give notice of such election to the congregation, at the time of divine service, on two sabbaths preceding such election; or in case of a vacancy in the pulpit, by inserting the same in the *Royal Gazette*, or other newspaper published in Charlottetown, stating the time and place of holding the same, at which time and place, the meeting shall choose a chairman; all the male adherents in the congregation, from twenty-one years of age, who may hold a pew, or half a pew, and not in arrears, or who may be contributing from fifteen shillings and upwards, annually, and not in arrears, shall be qualified to vote at such election; and the names of the persons elected shall be duly recorded on the minute book of the corporation; any vacancy that may occur during the year, by death or otherwise, shall be filled up by the trustees, such filling up being valid until next annual election; any one or

Vacancies occurring by

more or all of the trustees may be reelected, and the election to be either by ballot or open vote; if it should so happen that the election of trustees should not take place on the first Tuesday of February, then the existing trustees shall continue in office till the expiration of the year.

death or otherwise, how filled up, &c.

IV. The seal of said corporation, and all deeds, books, minutes, vouchers, obligations, securities for moneys, and all and every description of property, really and truly belonging to the congregation, shall, immediately after the passing of this Act, come into the custody and possession of the above named trustees, and shall be by them transferred to their successors immediately following them in office as trustees.

Common seal and all other property to be vested in trustees, &c.

V. It shall and may be lawful for the said corporation to contract for, and purchase, or in any lawful mode, whether by devise, bequest, or otherwise, to acquire or obtain, either in fee simple, for life, or for any term of years, for the benefit of the said church, any messuages, lands, tenements, buildings, real or personal estate whatsoever, in this Island, and to take and receive the necessary legal conveyances, securities and transfers thereof, and which said messuages, lands, tenements, buildings, real or personal estate, shall be, and remain vested in the said corporation, to be used and disposed of however, in all cases, according to the decision of the majority of the congregation qualified to vote as above, in the election of trustees.

Corporation may contract for and purchase lands or personal estate, &c.

VI. It shall not be lawful for the said corporation to hold real estate for the use of the said congregation which shall exceed in value and yield at any time more than a clear net yearly income of one thousand pounds currency, of this Island.

Corporation may hold real estate, &c. to the annual value of £1000 currency.

VII. It shall and may be lawful for the said corporate body for the time being, and they are hereby authorized and empowered to grant, sell, lease, exchange, mortgage, convey or dispose of, to such person or persons as the majority of the qualified voters in the congregation shall think proper, and for such prices, sums, rents, or terms as shall be agreed upon, the whole or any part of the said lands and premises now held or hereafter to be conveyed to, or held by the said trustees, and to such extent and proportion as the existing trustees shall think proper; and every deed or conveyance thereof, executed by the said trustees, in their name of office, under their common seal, shall be valid in law, to convey for years or otherwise, all such estate, title and interest as the corporation or the said Presbyterian Church have, or may hereafter have in the same.

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