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THE

PRIVATE AND LOCAL

ACTS

OF THE

GENERAL ASSEMBLY

OF

PRINCE EDWARD ISLAND,

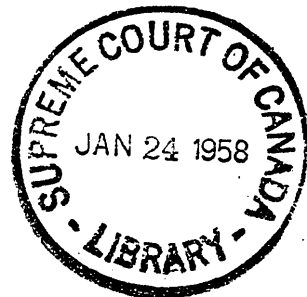
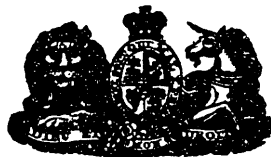
FROM

THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MOST GRACIOUS  
MAJESTY QUEEN VICTORIA, A. D. 1863,

TO

THE THIRTY-FIRST YEAR OF THE SAME REIGN, A. D. 1868.

VOL. II.



CHARLOTTETOWN:

PRINTED BY D. LAIRD, AT THE "PATRIOT" OFFICE.

1868.

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2000

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The following table shows the results of the survey conducted in the year 2000. The data is presented in a clear and concise manner, allowing for easy comparison and analysis. The survey was conducted in a systematic and unbiased manner, ensuring the reliability of the results.

Category	Response
Q1	Yes
Q2	No
Q3	Yes
Q4	No
Q5	Yes
Q6	No
Q7	Yes
Q8	No
Q9	Yes
Q10	No

The results of the survey indicate that a significant majority of respondents answered 'Yes' to the majority of questions. This suggests a strong positive response to the survey topics. The data is consistent and reliable, providing a clear picture of the survey results.

The survey was conducted in a systematic and unbiased manner, ensuring the reliability of the results. The data is presented in a clear and concise manner, allowing for easy comparison and analysis.



PUBLISHED BY AUTHORITY.

EDWARD PALMER, }  
JOSEPH HENSLEY, } Commissioners.



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# PRIVATE AND LOCAL ACTS.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

CAP. I.

An Act to incorporate the Marine Insurance Company of  
Prince Edward Island.

[Passed April 14, 1863.]

**W**HEREAS the formation and establishment of a Marine Insurance Company is of great public utility, and is necessary to the prosperity of the trade of this Island; and whereas the several persons hereinafter named are willing and desirous to establish and maintain such a company, but the same cannot be effected without the aid of the Legislature: Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, as follows:

I. George Beer, Daniel Davies, James Duncan, Thomas Walker Dodd, Thomas Heath Haviland, Henry Haszard, William Heard, Richard Heartz, Robert Robinson Hodgson, John Ings, William Warren Lord, George Fesh Crow Lowden, John Morris, Lemuel Cambridge Owen, James Colledge Pope, and James Yeo, Esquires, and every other person who shall hereafter become a shareholder of the said company, shall be and are hereby united into a company for making and effecting marine insurances, according to the rules and directions hereinafter mentioned, and for that purpose shall be a body corporate, under the name of the "Marine Insurance Company of Prince Edward Island."

Names of  
shareholders  
expressed.

II. All actions and suits whatsoever at law or in equity which may be brought, instituted, or prosecuted against any person or persons, body corporate or politic, who may be at any time indebted to this company for premiums of insurance, or as makers or indorsers of premium notes, or in any other manner whatsoever, whether such person or persons, or any of

Actions to be  
brought in  
name of Secre-  
tary.

them, is or are or shall be a member or members of this company or not, shall and lawfully may be commenced, instituted and prosecuted in the name of the Secretary of this company at the time when any such action or suit shall be commenced or instituted, as the nominal plaintiff or complainant; and in any case when it may be deemed advisable to hold such person or persons to bail, it will be sufficient for the affidavit to set forth and shew the cause of action as due, or accrued to this company, and an action or actions may thereupon be commenced or instituted in the name of such secretary, and the writ or process issued thereon shall and may be endorsed for bail in the amount in such affidavit specified.

Affidavit to hold to bail.

III. All actions, suits, and other proceedings at law or in equity, which may be commenced, instituted or prosecuted on any policy or policies of insurance issued by this company, by any person or persons, or body or bodies politic or corporate, whether such person or persons, or body or bodies politic, or any member or members thereof, is or are or shall be members of this company, or his or their name or names are under written on any such policy or policies, shall be commenced, instituted and prosecuted against the secretary of this company at the time when any such suit or action or other proceeding shall be commenced or instituted, as the nominal defendant.

Secretary alone to be sued where actions brought against company.

IV. The death, resignation or removal, or any other act of such secretary, shall not abate or prejudice any action, suit, or other proceedings in law or equity commenced or prosecuted under this Act, but the same may be continued, prosecuted carried on or defended as if such death, resignation, removal or other act had not occurred or taken place; provided always, that if the office of secretary to this company shall or may at any time or times hereafter become vacant by death, resignation, removal, or otherwise, and shall be suffered and permitted to continue and remain vacant for the period of thirty days, that then and from thenceforth until a Secretary is again appointed, all actions, suits and other proceedings against the names underwritten on any policy or policies of insurance issued by this company shall and may be commenced, continued, instituted and prosecuted against such underwriters individually, this Act and any thing herein contained to the contrary notwithstanding.

Death or removal, &c., of secretary, no abatement of suit.

V. That in any action, suit, or other proceeding on policies of insurance commenced and prosecuted under this Act, the declaration or bill of complaint in the cause shall set forth the policy or policies of insurance on which such action is brought, and also the individual names subscribed or underwritten thereto, with the different amounts underwritten by each res-

Declaration, &c., in suit, what to contain



pectively; and before any judgment is signed in such action, the damages payable by each underwriter in respect to his subscription to such policy or policies, shall be separately assessed, and execution therefor awarded; and a suggestion to that effect, specifying the respective amounts so assessed, and the names of the underwriters against whom executions are awarded, shall be made upon the roll.

Damages, how expressed, and execution how awarded.

VI. That judgment in that case shall thereupon be signed against such nominal defendant for the aggregate amount of damages recovered, and for costs, and separate executions in the form mentioned in schedule (A.) shall and may be issued against the individual underwriters on the policy and policies upon which such judgment shall have been so signed, for the respective amounts for which the same shall be so awarded against them as aforesaid, each of which executions shall be endorsed to levy sixteen shillings and eight pence for the writ, also, sheriff's poundage officers' fees, and incidental expenses.

Separate executions and form thereof.

Costs of execution and Sheriff's poundage

VII. A memorial of judgment in any action obtained in the Supreme Court against this company in the name of the secretary thereof, may be given and registered as in other cases, and such memorial, when so registered, shall bind the real estate of such of the underwriters on the policy on which such judgment was obtained to the extent of the damages assessed against each underwriter respectively, as fully as if such judgment had been against each underwriter individually.

Judgment to bind real estate when memorial thereof registered.

VIII. This company shall have power and authority to make with any person or persons all and every insurance connected with marine risks and transportation by water against any loss or damage of or to any vessel, steamer, boat, or other craft, and of or to any cargo, goods, wares and merchandizes, specie, bullion, jewels, bank notes, bills of exchange, and other evidences of debt, timber, deals, or other property of any description, borne or carried by water, and of and to any freight, profit, commission, bottomry, or respondentia interest, and to cause themselves to be re-insured when deemed expedient, against any loss or risk on which they may have made or may make insurances, and generally to do and perform all other necessary matters and things relating to such affairs.

Powers of company and nature of risks.

IX. This company may purchase any vessel, goods, wares, or merchandizes insured by them in part or in whole, and abandoned, and also any stranded or wrecked vessel insured by them and sold for the benefit of the underwriters, and may sell any such vessel or goods, wares or merchandize so acquired as aforesaid, but they shall not navigate any such vessel except from where she may be to a port or ports for

Vessels, merchandize, &c., which company are and are not permitted to purchase.

repairs, and thence to a market or markets for sale; but this company shall not purchase or deal in any vessels, goods, wares, or merchandizes other than such as they shall become possessed of as aforesaid.

Seven directors to be annually balloted for.

X. The business affairs of this company shall be conducted and managed by a board of seven directors, to be annually elected by ballot by the shareholders, and who shall be severally shareholders to the extent of at least five shares in this company; the said directors shall elect their president from among themselves in the usual manner.

Majority of directors may make and change by-laws, &c.

XI. Any number of the directors aforesaid, being a majority of them, may make and enact by-laws, rules and regulations in addition to or amendment of, or to repeal any of those passed and made at the first general meeting of the shareholders of the said company (the same not being repugnant to this Act, or to the laws of this Island) for the proper management of the affairs of this company, and alter and repeal the same and others make and enact in their stead; but no by-law, rule or regulation made as aforesaid shall be valid or have effect unless approved and confirmed by a majority of the shareholders and proxies present at an annual or special general meeting.

Members of company to be balloted for.

XII. Any person wishing to become a member of this company shall be admitted by ballot, (ten per cent. of black balls to exclude) and become a member immediately he signs the existing rules, regulations and by-laws, but unless he shall, within ten days after notification of such admission, sign the said existing rules, regulations and by-laws, the said admission shall become inoperative.

Shares £10 each,

XIII. The shares in this company shall be considered to represent the sum of ten pounds of Prince Edward Island currency.

Application for admission, how made.

XIV. Each and every applicant for admission into this company shall state the number of shares he desires to hold, and such application shall be submitted to the ballot at a general or special meeting, and immediately after such meeting he shall be notified by the secretary as to the number of shares, if any, that have been allotted to him.

Limitation of number of shares.

XV. Each member not to hold more than the number of shares allotted to him by ballot, at a general or special meeting duly convened, and no more than ten pounds of Prince Edward Island currency shall ever be underwritten on any one share, on any one bottom, whether the risk be vessel, cargo, freight, bottomry or respondentia bond, mortgage, or any other interest, and on each or all combined.

XVI. Each member's name to be underwritten by the secretary in proportion to the number of shares he may have had allotted to him in this company on every policy of insurance granted and issued by the directors of this company.

Names to be underwritten in proportion to shares.

XVII. No member of this company to be individually liable for more than the amount specified as being insured by him on any policy or policies issued by this company, and so for his proportionate share for advertising, legal, and other the expenses attending, and to attend the operations of this company.

Extent of member's liability on each policy.

XVIII. And each and every share in this company to be entitled to one vote at all meetings of the shareholders.

One share gives one vote.

XIX. Any member may vote by proxy at all meetings of this company (unless otherwise provided), such proxy to be himself a member, and previous to voting produce authority in writing from his constituent and constituents so to act, such authority to be lodged with the secretary the day prior to the meeting; but no member shall, under any circumstances, hold or vote on more than two proxies.

One member may vote by proxy for not more than two members.

XX. Any member withdrawing or ejected from this company shall not be at liberty to demand, receive or recover, nor shall any legal or equitable execution or attachment affect any funds, premiums or profits to which he may then or eventually be entitled until all the policies on which he may be or become liable shall have been determined, expired or cancelled, and or until all losses or claims arising or to arise on risks or policies on which his name is or has been written, are liquidated and paid, and or until the first general annual meeting thereafter held and convened.

Member withdrawing or ejected from company, condition on which he may receive share of funds or profits.

XXI. If any member or shareholder shall desire to withdraw from the said company he shall be entitled to do so on giving notice in writing to that effect, which shall be served upon the secretary and president of the company for the time being, but such withdrawal shall not relieve the party withdrawing from his liability on all outstanding risks or policies, nor shall any execution, or legal or equitable attachment affect any premiums or profits accrued or to accrue to the benefit or credit of such withdrawing shareholder until the termination and liquidation of all such outstanding risks or policies.

Member withdrawing, to give notice thereof: his liability continues, how far, &c.

XXII. When the directors, by a two-thirds vote, decide upon ejecting from this company any one or more of its members, they shall have the power so to do, and shall instruct

Two-thirds vote of directors to eject a member.

the secretary to discontinue using the name or names of such person or persons on policies thereafter issued by this company.

Notification of the ejection or withdrawal of a member, how and to whom to be given.

XXIII. When a member has been ejected by the directors, or withdraws from this company, it shall be the duty of the secretary forthwith to notify such person thereof in case of ejection, and also both in the case of ejection or withdrawal, to notify all persons to whom policies may have been issued by this company, on which the name of the said ejected or withdrawn member may appear or have been written, that such member has ceased to belong to this company; such notice either to be given personally at the places of residence or business of the parties, or forwarded by letter through the post office.

Members restrained from acknowledging their liability on policy

XXIV. No member shall acknowledge his liability to pay any claim on any policy or policies issued by this company, without the consent of the directors, and no admission or admissions made by any member or members shall be given or received in evidence against this company.

Annual meeting, when to be held.

XXV. The regular annual meeting of this company shall be held during the month of March in each year, at which meeting the directors for the ensuing year shall be elected: provided always, that if the Act of incorporation of this company has not come into operation by or before the end of March in the year of our Lord one thousand eight hundred and sixty-three, then and in that case the first regular annual meeting may and shall take place at such time and place as shall be ordered and notified, as in the twenty-eighth section of this Act mentioned, by the persons in this Act named, or the majority of them.

Special meetings, how called

XXVI. Special meetings may be called at any time by the Secretary, as follows: on a requisition signed by one-fourth the number of shareholders, requiring such meeting to be convened, such requisition to state the reason for calling such meeting, or by order of the directors.

How notified.

XXVII. Notice in writing of such special meetings shall be given by the secretary to each member resident in Charlottetown, or else left at his house or place of business, who shall also give such notice to each member non-resident in Charlottetown, either by serving the same on his agent there, or by depositing such notice, directed to the non-resident member or members, in the Post Office in Charlottetown, at least twenty-four hours previous to the time of meeting, such notice to specify the particular business for which such meeting is called.

XXVIII. After the passing of this Act, it shall be lawful for the persons named in the first section of this Act, or the majority of them, to cause a list to be opened for the purpose of receiving the names and subscriptions of persons (including those so named herein) desirous of becoming shareholders in the said company, and whenever one hundred shares shall have been taken or subscribed for, a general meeting of such proposed shareholders, or of the majority of them, shall take place, and be called by notice in the *Royal Gazette* newspaper, signed by some one or more of the persons named in this Act, and inserted therein at least fourteen days previous to such meeting, and at such meeting the first business shall be to choose a chairman and secretary to the meeting, *pro tem.*, and then proceed to the admission of shareholders by ballot, the names of the parties so subscribing for shares being gone through for that purpose in rotation (ten per cent. of black balls to exclude any applicant for shares), and in like manner the number of shares to be allowed to each admitted shareholder shall be settled by the meeting by ballot, but no one who shall be rejected by ballot from being a shareholder shall afterwards vote at such meeting; and when the admission of shareholders and the amount of their shares respectively shall have been determined and settled, the shareholders admitted, or such of them as shall be present at the meeting, shall have power to make, ordain and establish such by-laws, ordinances and regulations for the good management of the affairs of the said company as they shall deem necessary, and also to choose seven (7) directors, who shall serve until the next annual meeting of the company in the month of March for the choice of directors, and shall have full power and authority to manage the affairs of the said company, and shall commence the operations of the said company, subject nevertheless, to the rules and regulations in this Act made and provided: provided always, nevertheless, that the persons herein named, or the majority of them may, if they think fit, keep the said share list open until any amount of shares above one hundred, but not exceeding one hundred and fifty, shall have been taken or subscribed for before calling such general meeting to organize the company, but it shall be in the power of such persons, or the majority of them, to close such list at any time when or after one hundred shares, or more, shall have been subscribed for, or taken, as aforesaid; but nothing herein contained shall prevent the further issue of shares, under the provisions of this Act, after the company shall have been organized by the holding of such general meeting and choice of directors, as aforesaid.

Subscription list to be opened for shareholders, and notice of meeting given in *Royal Gazette*.

Chairman and Secretary to be chosen.

Shareholders to be balloted for.

Power to make by-laws, &c., and choose 7, directors.

Share list, when to be kept open.

When to be closed.

XXIX. No person shall be entitled to hold or subscribe for more than ten shares of or in the said company or corporation.

Ten shares maximum.

Four directors may form a board for transacting business.

XXX. 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 or chairman shall vote at the board as a director, and in case of their being an equal number of votes for or against any question before them the president or chairman shall have a casting vote.

Directors not to vote where interested.

XXXI. No director shall vote on any question before the board relating to risks proposed to be taken on any vessel, cargo, or other property offered for insurance in the said company in which he is interested,

Compensation to directors, &c.

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

Secretary and officers, how appointed and removed.

XXXIII. The directors for the time being shall have power to appoint the secretary and other officers of the company, and to remove them, or any of them, from time to time, at pleasure, and appoint other or others in their or his stead.

#### SCHEDULE (A.)

Victoria, &c.

To our Sheriff of

greeting.

Whereas *A. B.*, lately in our Court before us at recovered a judgment against *C. D.*, as secretary to the Marine Insurance Company of Prince Edward Island, for £ damages, and £ costs, in pursuance of an Act of the General Assembly of our Province of Prince Edward Island, made and passed in the year of our reign, intituled, &c.

And whereas our said Court have, in and by their said judgment, and in pursuance of the said Act of Assembly, awarded an execution to be issued against *E. F.*, for the sum of £ portion of the said damages. We therefore command you that [of the goods and chattels, lands and tenements of *E. F.* in your balliwick, you cause to be made the said sum of £ portion of the damages aforesaid, and have that money before us at on, &c. to be rendered to the said *A. B.*] and have then there this writ. Witness, &c.

(Or, if against the body omit the words between the brackets, and substitute the following): you take the said *E. F.* and him safely keep, so that you may have his body before us at on, &c., to satisfy the said *A. B.* of the said sum of £

## CAP. IV.

An Act to incorporate the Union Bank of Prince Edward Island.

Amended by  
28 Vic. c. 22,  
and 27 Vic.  
cap. 8.

[Passed April 21, 1863.]

**W**HEREAS it is expedient for increasing and circulating the medium of business, and for promoting a more extensive and beneficial employment of the resources and industry of the country, that a second Bank should be established in this Island: 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.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows: Henry Haszard, Peter Warwick Hyndman, William Warren Lord, Charles Palmer, George Davies, Thomas Walker Dodd, James Duncan Mason, John Henry Gates, Owen Connelly, James Desbrisay, Theophilus Desbrisay, William Eddison Dawson, James Colledge Pope, their associates, successors or assigns, be and the same are hereby declared to be a body corporate, by the name of "the Union 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 in law and capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any 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

Names of certain persons, who, with their associates, &c., to be incorporated.

Company may sue and plead, &c.

Powers of president and directors and company to make laws and ordinances.

and ordinances be not contradictory or repugnant to the laws and 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.

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 ten thousand pounds, one third 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 ten thousand pounds within two years from the passing of this Act, and the remaining ten thousand pounds within three 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.

Capital stock to be £30,000; one third thereof to be paid in gold and silver within one year, one third within 2 years, and remaining third within 3 years.

Corporation, in what cases, may take lands and mortgages

III. It shall be lawful for the said corporation of the Union 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.

When 600 shares subscribed for, a general meeting to be called.

By-laws to be established, and 7 directors to be chosen.

IV. 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 stock-holders 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 the 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.

Powers of directors.

V. There shall be a general meeting of the stockholders and members of the said corporation, to be annually holden on the first Tuesday in April,\* 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.

Directors to be chosen thereat.

President, how chosen.

VI. 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 reasonable 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 other 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.

Other officers, &c.

Compensation to Officers, and other expenses how defrayed.

VII. 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.

Four directors including president, to constitute a board.

Single vote not to exclude note or bill.

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

Compensation to President, &c., how fixed.

\* Changed to first Wednesday in March, by 28th Vic., cap. 23.

IX. No person shall be eligible as a director unless such person is a stockholder and holding not less than twenty 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.

Qualification of directors.

X. 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.

Cashier, &c., to give bonds.

XI. 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.

Qualification of shareholders to vote.

Fifteen votes maximum of one person.

XII. 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.

Vote by proxy, when allowed.

XIII. 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 hold more than 40 shares.

After three months, if stock remaining, may take 80 shares.

Where may hold 100 shares.

Proviso.

Vacancies in board, how filled up.

XIV. 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.

XV. 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 ten thousand pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said bank.

30 days' notice in *Royal Gazette* to be given of payment of instalments.

Operations of bank, when to commence.

XVI. As soon as the sum of ten thousand pounds shall have been paid in current gold and silver coins, and shall be in the vaults of the said bank, the president shall give notice thereof to the Colonial 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 one third 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 intended 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.

When £10,000 paid in, Colonial Secretary to be notified.

Government to appoint three commissioners to examine and count money.

Oath of majority of directors.

XVII. 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.

Shares may be assigned.

Assignment to be registered.

Restriction to assignment.

Company may deal in bills of exchange, gold or silver bullion, &c., other dealings prohibited.

XVIII. The said company shall not directly or indirectly deal in anything 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 of 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.

Stockholders, where personally liable for redemption, &c., of bills issued, &c.

XIX. The holders of the stock of the said bank shall be chargeable in their private and individual capacities, 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 then actually 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 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.

Proviso.

Further proviso.

What to be expressed in forms of bank bills, &c.  
Proviso.

XX. 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 eighteenth\* section of this Act.

Debts of Corporation not to exceed three times amount of capital stock actually paid.

XXI. The total amount of debts, (deposits excepted) which the said corporation shall at any time owe, whether by bond, bill, or note, or any 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 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,

\* Altered to "nineteenth" by 27th Vic. cap. 7, and see 2d sec. of same Act.

goods and chattels of the said corporation shall also be liable for such excess.

XXII. The directors shall make half yearly dividends of all profits, rents, premiums and interests 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 to be made and 30 days' notice to be given.

XXIII. 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, to be open to inspection of directors.

XXIV. 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 less sum than five shillings.

Bills and notes to be signed and countersigned by president and directors.

5s. minimum note.

XXV. 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 for counterfeit note.

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.

Bank to be kept in Charlottetown.

XXVII. The directors shall, at the general meeting to be held on the first Tuesday in April\* 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 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

At the annual meeting directors to produce statement of debts, notes in circulation, &c.

Statement to be signed and sent to Colonial Secretary for Government.

\* Changed to 1st Wednesday in March, by 28th Vic., cap. 22:

- Proviso. 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 to be made on pledge of stock. **XXVIII.** No loan shall be made by the said bank on the pledge of its own stock.
- Joint committee of Council and Assembly to have 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.
- Who may call a general meeting. **XXX.** Any number of stockholders, not less than twelve, who, together, shall be the 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.
- Notice thereof. **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 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 capacities for the payment and redemption thereof in proportion to the stock they respectively held or hold, subject, however, to the proviso mentioned in the eighteenth section of this Act: provided, however, that this liability shall continue for two years only from and after the notice of such dissolution.
- On any dissolution of said corporation, course to be taken. **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.
- Stockholders, where individually liable after dissolution.
- Aggregate of debts not to exceed 20 per cent. on the capital stock.



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.

Other returns to be verified on oath of majority of directors.

On discount days, list of delinquents to be furnished by cashier.

Delinquent director, how treated.

XXXIV. The cashier, or acting cashier for the time being, shall, in each and every discount day, furnish a true list to the president or chairman of the said bank, of all delinquent promisors, 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 promisor, accepter, endorser or surety, it is hereby declared illegal for such director to sit at the board to take part in the management of the affairs of the said bank, during the continuance of such delinquency.

How disqualified.

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 thirteenth section of this Act, as in the case of death or absence from the Island.

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

\* Altered to "fourteenth" by 27th Vic. cap. 7.



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 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 such 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 liable to be sold under execution.

Sheriff, how to proceed.

Cashier, where bound to give Sheriff a certificate of No. of shares owned by debtor.

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 affected 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 amount of capital stock of the said bank sixty thousand pounds, and in the whole six thousand shares.

Capital stock, how it may be increased within 7 years from passing of Act.

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.

Sale of additional shares, how regulated.

XLI. The said directors shall give at least thirty days' notice of the time of sale of any such increased stock in the

30 days' notice of sale.

*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.

Advance or premium on additional shares, how apportioned,

XLIII. The whole of such advance or premium, if any, first deducting the charges of sale, shall be divided in 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 Colonial Secretary of this Island, a certificate that such amount of capital stock at any one time called in, has actually been paid into the said bank, in current gold and silver coins of this Island, and not before.

Additional shares subject to same rules as original stock.

XLIIII. 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.

Privileges hereby conferred, how forfeited by suspension of specie payment, &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.

Duration 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 eighty-five.

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 in this Island.

\*\* This Act received Her Majesty's assent, and notification thereof was published in the *Royal Gazette* newspaper on the 6th day of January, A. D. 1864.

**C.A.P. VII.**  
 An Act to incorporate the Grand Orange Lodge of Prince Edward Island, and the subordinate Lodges in connection therewith. [Passed April 21, 1863.]

\*\* This Act was not allowed by Her Majesty, see Despatch from the Duke of Newcastle, Secretary of State for the Colonies, dated 26th September, 1863, and published in the *Royal Gazette* on the 21st October, 1863.

**C.A.P. VIII.**

An Act to authorize the Government to sell the Military Barracks in Charlottetown.

Amended by  
 29 Vic. cap. 4.

[Passed April 21, 1863.]

**WHEREAS** a certain parcel of ground and premises hereinafter described, adjoining the city of Charlottetown, and formerly occupied as a military barracks, with stores and military hospital in connection therewith, has been for several years past unoccupied and wholly unproductive: and whereas the buildings upon such ground, which are of wood, and were erected upwards of half a century ago, are now wholly dilapidated and in a state of decay such as to render their repair inadvisable: and whereas by a despatch dated Downing street, the twenty-eighth August, one thousand eight hundred and sixty-two, from his Grace the Duke of Newcastle, her Majesty's principal Secretary of State for the Colonial Department, to his Excellency the Lieutenant Governor of this Island, it was intimated to his Excellency that there is no present intention of sending any troops to Prince Edward Island, and that her Majesty's government are therefore prepared to give up the military barracks to the colony, without imposing upon the Colonial Government the obligation of keeping them in repair: and also, that should it hereafter become necessary to send troops to Prince Edward Island, it will rest with the colony to provide them with suitable accommodation: and whereas there is now in this Island a large Volunteer Force organized for the defence of the Colony: and whereas it has been considered expedient to apply to her Majesty's Government for permission to dispose of the said parcel of land, and to apply the proceeds thereof to the formation of a fund, the interest of which shall be devoted to the maintenance of the said Volunteer Force, and other military purposes: and whereas in the event of such application being granted, the colony will undertake to provide suitable accommodation for any

Preamble.

Despatch of  
 the 28th Aug  
 1862.

troops that may hereafter be sent to the colony: and whereas the title to the said lands so proposed to be disposed of, is, and now stands vested in her Majesty's principal Secretary of State for the war department, and it is desirable that the title thereof, for the purposes of this Act, and the transferring of the said lands to the purchasers thereof, shall be vested in Her Majesty, her heirs and successors.

Description of  
Barrack land.

Land, &c., to  
be vested in  
Her Majesty.

When royal  
allowance to  
Act signified,  
Lt. Governor  
and Council to  
cause a survey  
of lands.

Then to be ad-  
vertized and  
sold.

Purchasers to  
receive grants.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that when and so soon as this Act shall come into operation, and for the purposes thereof, the legal title of all that the hereinbefore mentioned parcel of land bounded as follows: on the north by Sydney street and extending along the south side thereof eastwardly from the shore of the Hillsborough river to the north-west angle of town lot number seventy, a distance of five hundred and thirty-two feet, thence by a right angle to said street southwardly to the north side of water street, a distance of five hundred and sixty feet, thence along the same westwardly ninety-two feet, thence by a line south, seven degrees east, one hundred and twenty feet to the said shore, thence following the various courses thereof northwestwardly to the place of commencement, containing five acres two roods and seven perches, a little more or less, which said parcel of land has been heretofore occupied and used as a military barrack ground, with all the buildings appertaining thereto used as military barracks, stores and hospital, or other purposes in connection with such barracks, shall be, and the same is hereby vested in Her Majesty, her heirs and successors.

II. When and so soon as this Act shall come into operation, by Her Majesty's royal allowance being signified thereto, the Lieutenant Governor or other Administrator of the Government of this Island, by and with the consent of Her Majesty's Executive Council of this Island, shall have power, and he is hereby required to cause the said lands to be duly surveyed and laid off in such way and manner as to the said Lieutenant Governor or other Administrator of the Government, with the consent aforesaid, shall seem most expedient, and to cause the said lands and premises to be advertized and sold by public auction to the highest or best bidder, or bidders, in lots or parcels, in such way and manner, and under such terms of payment, rules and regulations, as shall or may be prescribed in that behalf.

III. The purchaser, or several and respective purchasers of the said lands and premises, upon complying with the terms of sale, and upon full payment of the purchase money for the same, shall be entitled to receive from the Executive

Government of the said Island a grant or conveyance in fee simple of the lands so purchased by him or them, and which said respective grants or conveyances shall be executed by the Lieutenant Governor, or other Administrator of the Government of the said Island for the time being, for and on behalf of her Majesty, under the great seal of this Island.

How to be executed.

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

Suspending clause.

\*\* The 4th section of this Act has been repealed by 29th Victoria cap. 5.

Her Majesty's assent to this Act was notified in the *Royal Gazette* newspaper on the 10th of January, A. D. 1864.

CAP. XI.

An Act to authorize the Lieutenant Governor of Prince Edward Island to sell certain Pews in Saint Paul's Church, Charlottetown, now held by the government.

[Passed April 21, 1863.]

**WHEREAS** the congregation of Saint Paul's Church, Charlottetown, have offered to purchase the government pews in the said church, known as the Council pew, the Assembly pew, and the military pew, for the sum of one hundred pounds, and to keep the pew in the said church known as the Governor's, hereafter for the use of the Lieutenant Governor (for the time being) and his family, free of assessment chargeable thereon either against the Government or the Lieutenant Governor: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:

Preamble.

I. It shall be lawful for the Lieutenant Governor, or other Administrator of the government of this Island for the time being, with the consent of the Executive Council, immediately after the passing of this Act, and he is hereby required, on application made to him for that purpose, to order the sale and conveyance to "the minister, church wardens and vestry, of the Church of Saint Paul, in the Parish of Charlotte," on payment of the sum of one hundred pounds, by or on their behalf of the said three pews in Saint Paul's Church, Charlottetown, known as the Council pew, the Assembly pew, and the military pew, at present held by the government of this Island.

Lieut. Governor in Council may order sale of three pews.

II. The Colonial Secretary of the said Island for the time being, shall, on receipt of the said sum of one hundred pounds,

On receipt of £100 Colonial

Secretary may deliver to the minister, churchwardens and vestry of the said church, as conveyance or conveyances of said pews, which shall be signed by the Lieutenant Governor or other Administrator of the government; and such conveyance or conveyances shall vest in the said minister, churchwardens and vestry, the said three pews, and the property therein absolutely to be sold, let, or otherwise disposed of, or held by them for the use and benefit of the said church.

III The said sum of one hundred pounds shall, on receipt thereof by the Colonial Secretary, be by him paid into the treasury, to and for the use of her Majesty's government.

## CAP. XII.

An Act to incorporate the Minister and Trustees of the Presbyterian Church of Bay Fortune.

[Passed April 21, 1863.]

Preamble.

WHEREAS, it is desirable, for the efficient management of the temporal affairs of the Presbyterian congregation of Bay Fortune, 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:

Rev. Henry Crawford, and divers others, constituted a body corporate

Powers of corporation.

I. That the Reverend Henry Crawford; *ex officio*, James Dingwell, Alexander Leslie, Daniel Flynn, William Henry Williams, William Henderson, Charles Aitken, James Mackenzie and William Robertson, 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 of Bay Fortune," and they 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 lands and funds of 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 be a quorum

II. That when any vacancy in the 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 said notice shall be given in the said church of Bay Fortune immediately after divine service, on sabbath, at least ten days previous to the said meeting, and the choice of the said trustee or trustees shall be determined by the vote of the majority of the 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 six shillings and upwards, annually, and not in arrears; and any male adherent in the congregation, from twenty-one years of age, and who may be contributing at least fifteen shillings and upwards, and not in arrears, shall be eligible to hold office as a trustee.

Vacancies in trust, how filled up.

After notice, by vote of majority.

Males of 21 years of age may vote.

III. The seal of said corporation, and all deeds, books, minutes, vouchers, obligations, subscriptions, securities for money, 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.

Trustees to take possession of seal, books, &c., of the corporation.

IV. It shall and may be lawful for the said corporation to contract for and purchase, or in any lawful mode, whether by demise, bequest, or otherwise, to acquire and obtain either in fee simple, for life, or for any term of years, for the benefit of said church, any messuages, lands, tenements, buildings, real or personal estate whatsoever, 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 said corporation, to be used and disposed of, however, in all cases for the benefit of said congregation, according to the discretion of said corporate body.

Corporation may purchase real and other landed estates.

V. 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 corporate body 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

Corporation may sell, mortgage, &c., their estates.

Deeds of sale, how executed.

to convey for years or otherwise all such estate, title and interest as the corporation of the said Presbyterian Church have, or may hereafter have in the same.

Total of real estate to be acquired, limited to what will yield £300 net per annum.

VII. 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 three hundred pounds currency of this Island.

This Act to be deemed a public Act.

VII. 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.

Act limited to 10 years, thence, &c.

VIII. This Act shall continue and be in force for the space 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.

### CAP. XIII.

An Act to incorporate the Minister and Trustees of the Presbyterian Church of Saint Peter's Bay.

[Passed April 21, 1863.]

Preamble.

**WHEREAS** it is desirable for the efficient management of the temporal affairs of the Presbyterian congregation of Saint Peter's Bay, 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:

Rev. Henry Crawford, John Jardine, and others, constituted a body corporate.

I. That the Reverend Henry Crawford, *ex officio*, John Jardine, John Sutherland, John B. Cox, John A. MacLaine, Edward Webster, and Montague Coffin, 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 of Saint Peter's Bay," and they 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 lands and funds of 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

Powers of corporation.



shall not be contrary to the constitution and laws of this Island, 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 to form a quorum, in all matters to be done and disposed of by the said corporation.

II. That when any vacancy in the trust shall arise by death, resignation or otherwise, that the minister of the said church shall give notice that a congregational meeting 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 of Saint Peter's Bay, immediately after divine service, on a Sabbath, at least ten days previous to the day of said meeting, and the choice of said trustee or trustees shall be determined by the vote of the majority of the adherents of 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 six shillings and upwards, annually, and not in arrears; and any male adherent in the congregation, from twenty-one years of age, and who may be contributing from fifteen shillings and upwards, annually, and not in arrears, shall be eligible to hold office as a trustee.

Vacancies in the office of trustees, how filled up.

After notice to be chosen by vote of majority.

Qualifications to vote and to hold office.

III. The seal of said corporation, and all deeds, books, minutes, vouchers, subscriptions, obligations and 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.

Trustees authorised to take possession of seal, books, &c.

IV. It shall and may be lawful for the said corporation to contract for and purchase, or in any lawful mode whether by demise, bequests, 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 for the benefit of said congregation, according to the discretion of said corporate body.

Corporation may purchase and acquire real and other estates.

V. 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

Corporation may sell, mortgage and

otherwise dis-  
pose of their  
estates.

or dispose of to such person or persons as they 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 corporate body, and to such extent and proportion as they 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 of the said Presbyterian Church have, or may hereafter have in the same.

Real estate to  
be acquired,  
limited to what  
will yield £300  
net per annum  
sterling.

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 one time more than a clear net yearly income of three hundred pounds sterling.

This Act to be  
deemed a public  
Act.

VII. 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.

Act limited to  
10 years,  
thence, &c.

VIII. This Act shall continue and be in force for the space 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.

## CAP. XVI.

An Act to incorporate sundry persons by the name of the President, Directors and Company of the Farmers' Bank of Rustico.

[Passed April 21, 1863.]

Preamble.

**W**HEREAS the establishment of a Public Bank at Rustico will be greatly to the advantage of the farmers thereof, and will promote, generally, the farming interests of Prince Edward Island, by giving to persons engaged in that branch of industry, greater facilities than they hitherto possessed for agricultural purposes, by their being able to procure loans of money on reasonable interest: and whereas several persons have associated themselves for the purpose of forming such an institution, and have applied for an Act of incorporation for the same. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Fabian Doucet  
and others, to

I. Fabian Doucet, Abraham Pineau, Jerome Doirant, Silvest Doiron, Marinus Blanchard, Andre Buote, Isidore

Buote, Leon Gallant, Laurent Martin, Bernardin Doiron, their associates, successors or assigns be, and the same are hereby declared to be a body corporate, by the name of "The Farmers' Bank of Rustico," 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 may 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 of being sued, pleading and being impleaded, answering and being answered unto; and also, that they shall have one common seal, to serve for the en sealing 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 shall, from time to time, and at all times, have full power, authority and license to constitute, make, ordain and establish such by-laws, and ordinances as may be thought necessary for the good rule and government of the said corporation; provided that such by-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.

be a body corporate.

Powers of corporation:

Shall have a common seal.

May make by-laws.

II. The capital stock of the said corporation shall consist of current gold and silver coins of this Island to the amount of twelve hundred pounds, the same to be paid in current gold and silver coins of this Island, within one year from the passing of this Act, the said sum of twelve hundred pounds being the amount of the said stock, to be divided into shares of one pound each, making in the aggregate twelve hundred shares, all the matters aforesaid to be made and done in the said corporate name.

Capital stock to be £1200, and to be divided into shares of £1 each.

III. 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 one thousand and five hundred pounds, and it shall also be lawful for the said corporation to accept and take any lands, houses, or other real or personal estate in satisfaction,

Corporation may take and hold lands and tenements, &c., not exceeding £1500.

Maytake mortgages and other securities.

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.

First general meeting of members, when and how convened.

IV. So soon as the said twelve hundred shares constituting the said capital stock, shall have been subscribed for, 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, at some place in Rustico, to be named in such notice, 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 twelve 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 next 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 said Bank; subject nevertheless to the rules and regulations hereinafter provided, at which general meeting the members and stockholders of the said corporation, or the major part of them, shall determine the amount of payment to be made on 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.

Directors, when to be chosen.

Powers of directors.

Rules and by-laws requiring Lt. Governor and Council's approval.

Annual General meeting to be held 1st Thursday in July.

Ten days notice of such meeting to be given.

Six directors to vacate their seats, and six to be elected.

V. There shall be a general meeting of the stockholders and members of the said corporation to be annually held on the first Thursday in July in each and every year at Rustico, time and place of meeting to be notified at least ten days previously in the *Royal Gazette* newspaper, at which annual meeting, upon its being determined by a majority of the said stockholders and members of the said corporation who shall do so, six out of the twelve persons then being directors to be chosen by lot among themselves, shall vacate their seats, capable, nevertheless, of being reelected, but thenceforward, and at all future elections, those persons who shall have been

directors the longest time without reelection, shall go out of office for that year; and in all cases of dispute a majority of the members and stockholders present at any such meeting shall determine who shall vacate his seat; and after the said directors shall have gone out of office, in manner aforesaid, six others shall be chosen by a majority of the said stockholders and members of the said corporation, in order to fill up the vacancies thus created, 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.

VI. 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 reasonable 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 other 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.

VII. Not less than eight 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 their being an equal number of votes for and against any question before them, the president shall have a casting vote.

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

IX. Any person shall be eligible to be a director who shall be a shareholder 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.

X. 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 in them reposed.

Directors may appoint officers, clerks, &c.

Their salaries, also rent of buildings, &c., to be defrayed out of the funds of corporation.

Eight directors to constitute a Board for business.

President may vote at Board as a director.

Compensation to President and directors.

Qualification for a director.

Cashier and clerks to give bond.

Nine shares or under that number, to give one vote; for every 10 shares 2 votes; 20 shares over 10, one additional vote.

Vote by proxy.

Subscriptions limited to 50 shares during first 6 months of Act being in operation.

Maybe increased to 100 shares at expiration of six months, if the whole stock not then taken up.

Maximum, 300 shares, unless, &c.

Vacancy in board by death, absence, &c., how filled up,

Subscriptions to be paid after 30 days' notice in *Royal Gazette*.

No operations to be commenced until 1200*l.* be actually paid in.

**XI.** 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 shall be given, shall be in the following proportion, that is to say, for one share, and not more than nine shares, one vote; for every ten shares two votes; and for every twenty shares over ten shares one vote additional, provided the number of fifteen votes shall be the greatest that any stockholder can be entitled to.

**XII.** 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 more than five proxies.

**XIII.** No member of the said corporation, until six months shall have elapsed from and after the passing of this Act, shall be entitled to hold and subscribe for more than fifty shares of the said capital stock; and if the whole of the said capital stock shall not have been subscribed within the said six 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 one hundred shares; provided always that no stockholder shall be permitted to hold more than three hundred shares in the whole, unless the same shall have been acquired by purchase after the said Bank shall have commenced its operation; and provided also that no stockholder in the said Bank, at any one time, shall have more than ten per centum of the capital stock.

**XIV.** 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 case of the removal of a director by the stockholders for maladministration, his place shall be filled up by the said stockholders, and the person or persons so chosen by the directors or stockholders shall serve until the next succeeding annual meeting of the stockholders.

**XV.** All stockholders shall be required to make payment of their subscription after thirty days' notice shall have been 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, nor any business of any kind transacted, until the sum of twelve hundred pounds, being the capital stock of the said company, shall have been actually paid in.

XVI. As soon as the said sum of twelve hundred 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 the same hath been paid in, as and for the capital stock of the said bank by the shareholders, towards payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as the capital stock of the said Bank, which investigation is hereby declared indispensable, and shall be made at the time appointed for the payment of the said capital stock, as mentioned in the second section of this Act.

So soon as £1200 paid in, notice thereof to be given to Col. Secretary.

Three commissioners to count money in vaults and to be proved on oaths of directors.

XVII. 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 or 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 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 transferrable, and when any stockholder shall transfer, in manner aforesaid, all his stock or shares in the said bank to any other person or persons whomsoever, such stockholder shall cease to be a member of the said corporation.

Shares rendered assignable, but assignment must be registered.

XVIII. The said company shall have full power and authority to deal in bills of exchange, promissory notes, 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 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 sixty 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.

Company may deal in bills of exchange, promissory notes, &c.

Goods pledged may be sold in 60 days.

XIX. And also the holders of the stock of the said Bank shall be chargeable in their private and individual capacity,

Stockholders' liability to be

in proportion  
to the stock  
they hold.

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 then actually 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 previously herein 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.

Proviso.

Bank notes, &c.  
must expressly  
declare to be  
payable out of  
joint funds.

XX. 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 capacity by the nineteenth section of this Act.

Debts not to  
exceed twice  
the amount of  
capital stock.

XXI. The total amount 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 twice the amount of the capital stock of the said corporation actually paid in by the stockholders; and in case of any excess the directors 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.

Quarterly divi-  
dends to be  
made by direc-  
tors.

XXII. The directors shall make quarterly dividends of all profits, rents, premiums and interest of the said corporation (if any profits may have been made) 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.

Books, papers,  
&c., subject to  
inspection.

XXIII. 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.

Bills and notes  
issued, to be

XXIV. 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.

signed by president and cashier, and struck from steel plates.

XXV. 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 the course of its circulation, to a larger amount, notwithstanding such alteration.

Corporation liable to pay counterfeit notes.

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

Bank to be kept at Rustico.

XXVII. The directors shall, at the general meeting to be held on the first Thursday in July 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, and whether the same be by simple contract, specialty, or by obligation of record, and also a particular account of all securities held by the said bank, either by mortgage, bond and warrant of attorney, or other deed or instrument whatsoever, under seal, also the amount of bank notes then in circulation, the amount of gold and silver in hand, and the amount of such 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.

On 1st Thursday in July, annually, directors to lay before meeting a statement of debts, &c.

Duplicate to be transmitted to Colonial Secretary.

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

No loan permitted on pledge of stock of bank, &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 books and vaults of the same.

Committee from Legislature to have free access to books, &c.

General meetings, how and by whom called.

XXX. Any number of stockholders who, together shall be proprietors of not less than two 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 twenty-one days' notice in the *Royal Gazette* newspaper published in this Island, and specifying the time and place of such meeting, with the objects thereof; and the directors, or any eight of them, shall have the like power of calling a general meeting at any time as aforesaid, by observing the like formalities.

On dissolution of corporation proceedings how taken for closing concerns.

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

Aggregate of debts due by bank not to exceed 10 per cent of stock.

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 ten per centum of the capital stock.

Cashier semi-annually to make return of state of Bank.

XXXIII. The cashier of the said bank shall, semi-annually, that is to say, on the first Tuesday in April, and first Tuesday in October, in each and every year, make a return in triplicate of the state of the said bank, as it existed at three o'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 exact nature and the several particulars included therein, and the said return shall be made in the following manner:

FORM OF RETURN.

Form of return.

State of the  
o'clock :

on the

day of

18

## DUE FROM BANK :

Bills in circulation,  
 Net profits in hand,  
 Balances due to other Banks,  
 Cash deposited, including all sums whatsoever 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 and silver and other coined metals in its banking-house,  
 Real Estate,  
 Mortgages and other securities,  
 Bills of other banks, incorporated in this Island,  
 Balances due from other banks,  
 Amount 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, if any; amount of reserved profits at the time of declaring last dividend,  
 Amount of debts due, and not paid, and considered doubtful.

Which return shall be signed by the cashier of the 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 the 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.

Return to be signed by cashier.

Returns to be made also when required by the Legislature.

XXXIV. It shall be illegal for any director to sit at the board who shall be a delinquent to the said bank, or to take any part in the management of the affairs of the same during the continuance of his delinquency; and if he should continue a delinquent for ninety consecutive days, at any one time, such continued delinquency shall disqualify such director from

Delinquent directors not to sit at Board.

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 case of death or absence from the Island.

No action to be brought for any bill, note, &c., until presentation and default.

XXXV. 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.

Bank shares, &c., to be personal estate.

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

Shares liable to seizure.

XXXVII. 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 the same, 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 the 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 a debt due to the 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.

Proviso.

Shares how sold under execution.

Execution when to take effect.

Capital stock may be increased.

XXXVIII. And in case it shall hereafter be found necessary at any time after the payment in of such first mentioned capital, 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 addi-

tional capital stock may be raised by the issue of additional shares, severally of one pound value; provided that the whole of such additional stock shall not exceed twenty thousand pounds, thereby making the utmost amount of capital stock of the said bank, twenty-one thousand two hundred pounds, and in the whole twenty-one thousand two hundred shares.

The addition not to exceed £20,000.

XXXIX. Such additional shares shall be sold at public auction, in separate lots of five shares each, at such time and place as the directors shall appoint and notify, by advertisement in the *Royal Gazette* newspaper, inserted at least ten days previous to the day of sale.

Additional shares, how disposed of.

XL. 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 this Island; 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.

Thirty days' notice of sale of shares.

XLI. The whole of such advance or premium (if any) first deducting the charges of sale, shall be divided in equal proportions among the shares in the stock of the said 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 of this Island, and not before.

Premium on additional shares, how apportioned and when paid.

XLII. 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.

Additional shares subject to rules affecting original stock.

XLIII. 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 had been passed had expired.

Suspension of specie payments, in what case creates forfeiture of privileges of corporation.

Limitation of Act.

XLIV. This Act shall continue and be in force until the first day of June, which will be in the year of our Lord one thousand eight hundred and eighty-three.

Suspending clause.

XLV. 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 Her Majesty's assent, and notification thereof was published in the *Royal Gazette* newspaper on the 4th day of May, A. D. 1864.

## CAP. XVII.

An Act to incorporate King Hiram Lodge, No. (1123,) one thousand one hundred and twenty-three, of Free and accepted Masons, of Saint Eleanor's, in Prince Edward Island.

[Passed April 21, 1863.]

Preamble.

WHEREAS a Lodge of Free and accepted Masons, under the name and title of "King Hiram Lodge, No. 1123," of Saint Eleanor's, in Prince Edward Island, holding warrant under the most worshipful the Grand Lodge of England, bearing date the fourth day of June, 1860; 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:

Wm. T. Hunt, and divers others, past master masons, incorporated.

I. That William T. Hunt, James Campbell, John Herbert Read, David Rogers, Benjamin Mills, James Read, Dugald S. Hunt, George Hinton and John Lefurgy, past masters, masters, and members of King Hiram Lodge, No. 1123, of Free and accepted Masons, of Saint Eleanor's, 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 King Hiram Lodge, No. 1123, of Free and accepted Masons, of Saint Eleanor's, 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.

May sue and be sued, &c., and shall have a common seal.

II. It shall be lawful for the said Lodge to acquire and hold land and immovable 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.

May acquire and hold real estate to the value of £1000; also, personal property.

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 England, 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.

May appoint members to manage funds, &c., of the corporation.

May make by-laws.

Joint property or stock, to be liable for engagements.

Limited liability of members.

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 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.

Trustees of corporation may lay out money in real estate, or vest in securities.

And may sell or transfer such estate or securities.

V. It shall be lawful for the said Lodge to receive from the treasurer and trustees, from time to time, in their corpo-

Lodge may receive from

treasurer and trustees, sufficient security. rate 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.



PRIVATE AND LOCAL ACTS.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

CAP. VII.

An Act to amend the Act intituled "An Act to incorporate the Union Bank of Prince Edward Island."

26 Vic. cap. 4

[Passed May 2, 1864.]

**WHEREAS** it is necessary to amend the several verbal errors hereinafter mentioned, which occur in the Act made and passed in the twenty-sixth year of the reign of her present Majesty, intituled "An Act to incorporate the Union Bank of Prince Edward Island."

Preamble

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the word "eighteenth," in the ninth line of the twentieth section of the said recited Act, as published by her Majesty's printer in the volume of the Session Laws of this Island for the year one thousand eight hundred and sixty-three, and also the word "thirteenth" in the sixth line of the thirty-fifth section of the said recited Act, as so published as aforesaid, shall, in the reading and construction of the said several clauses, be severally omitted, and in lieu thereof the word "nineteenth," in the said ninth line of the twentieth section, and the word "fourteenth," in the said sixth line of the thirty-fifth section of the said recited Act, be respectively inserted and used; and the said clauses or sections shall, in all cases, and for all purposes whatsoever, be held, construed, read, used and taken, as if the said word "nineteenth," and the said word "fourteenth," substituted by this Act, in the respective sections above mentioned, instead of the words hereby repealed, or omitted, had always, from the time of the passing of the said recited Act, been therein inserted and contained, anything in the said recited Act to the contrary notwithstanding.

26 Vic. cap. 4,  
sec. 20, amend-  
ed.

Do. 35 sec.

Bank Notes, &c., need not specially declare the fund out of which payable.

II. That notwithstanding anything contained in the twentieth section aforesaid, to the contrary, it shall not be held or deemed necessary that any bank bill or bank note, mentioned or referred to in the said section, shall especially declare that payment be made out of the joint funds of the said corporation; but the form in that respect shall be in the discretion of the directors: provided, nevertheless, that nothing herein contained shall be construed to exempt the joint stock of the said corporation from being primarily liable for, and chargeable with, the debts and engagements of the same, or to alter, change or diminish the responsibilities and liabilities imposed on stockholders, in their individual capacities, by the nineteenth section of the aforesaid Act.

### CAP. XIII.

An Act in addition to the Act to extend the Criminal Jurisdiction of the Police Court in the City of Charlottetown.

Passed May 2, 1864.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, as follows:

On trials of assault, damages, as well as fine may be imposed.

I. In cases of assault and battery, where actual damage or injury has been sustained, the Police Court of the said city may, in addition to the fine imposed for the breach of the peace, award damages and costs to the complainant, not exceeding five pounds.

Recognizances may be estreated.

II Recognizances, duly taken by the Police Court, or by any of the City Councillors, to the amount of twenty pounds and under, may be estreated in the Mayor's or Police Court.

Appeal allowed

III. If any person shall consider himself aggrieved by any order or judgment of the Police Court of the City of Charlottetown, made in any case under this Act, he shall be entitled to appeal therefrom to the Supreme Court of Judicature in manner as set forth and provided in statute nineteenth Victoria, chapter twenty-three, intituled "An Act to facilitate the performance of the duties of Justices of the Peace with respect to summary convictions and orders."

## CAP. XVIII.

An Act in addition to the Act to incorporate the Town of Charlottetown. 18 Vic. cap. 34

[Passed May 2, 1864.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. It shall be lawful for the City Council of the City of Charlottetown, to appoint one or more fit and proper persons to be inspectors, weighers and markers of Flour and Meal, in barrels or half barrels, imported into the said City; and by a by-law duly passed, in accordance with the Act of incorporation, to define the duties of and regulate the fees to be taken by such officers respectively.

City Council to appoint flour inspectors, &c.

II. The City Council, by the same by-law, may impose penalties on importers, masters of vessels, agents or consignees, selling imported Flour or Meal by the barrel or half barrel, without having been first inspected, weighed and marked, by the officers so to be appointed as aforesaid; such penalties not to exceed forty shillings for every barrel so sold as aforesaid.

And may impose penalties.

## CAP. XIX.

An Act for the Incorporation of the Prince Edward Island Steam Navigation Company.

[Passed May 2, 1864.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly:

I. That Robert Robinson Hodgson, Robert Longworth, John Ings, George Davies, George Fesh Crow Lowden, Ambrose Lane Brown, and every such person and 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, by the name of the "Prince Edward Island Steam Navigation Company," and by that name shall have all the general powers and privileges made incident to a corporation by the Act of Assembly of this Island.

Robert R. Hodgson and others, incorporated.

£20,000 capital stock.

II. The capital stock of the said corporation shall consist of the sum of twenty thousand pounds; the whole amount of said stock to be divided into forty shares of five hundred pounds each.

### CAP. XX.

An Act to continue and amend the Act of incorporation of the Bank of Prince Edward Island.

[Passed May 2, 1864.]

**B**E. it enacted by the Lieutenant Governor, Council and Assembly, as follows:

18 Vic. cap. 10 continued till 1st May, 1897.

I. The Act of the eighteenth Victoria, chapter ten, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company, of the Bank of Prince Edward Island," shall be, and is hereby continued until the first day of May, which will be in the year of our Lord one thousand eight hundred and ninety-seven.

20 years additional time allowed to enlarge capital stock.

II. There shall be allowed to the said president, directors and company, of the Bank of Prince Edward Island, the period of twenty years from and after the passing hereof, for the enlargement of the capital stock of the said corporation, in terms of the thirty-ninth, fortieth, forty-first, forty-second and forty-third sections of the said Act; anything contained in the said thirty-ninth section to the contrary thereof notwithstanding: provided always nevertheless, that no such enlargement of the capital stock shall take place at any earlier date than the first day of January, in the year of our Lord one thousand eight hundred and sixty-five.

### CAP. XXIV.

An Act to enable John Robinson to obtain Letters Patent for the invention of a new mode of constructing Ships and Vessels.

[Passed May 2, 1864.]

Preamble.

**W**HEREAS Her most gracious Majesty Queen Victoria, did, on or about the fourth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her reign, grant unto John

Robinson of Liverpool, in the County of Lancaster, in that part of Great Britain and Ireland called England, Her Letters patent for an invention for "Improvements in the construction of ships and vessels, styled 'Robinson's improvement in the construction of Ships and Vessels,'" and which said Letters Patent are still in force; and whereas the said John Robinson is desirous of obtaining Letters Patent for the said invention or improvement, for this Island.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly: That it shall be lawful for John Robinson, of Liverpool, in the County of Lancaster, in that part of the United Kingdom of Great Britain and Ireland, called England, Shipbuilder, 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 of a new mode of constructing ships and vessels, which he designates "Robinson's improvement in the construction of ships and vessels," 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 Letters Patent are obtained, he shall be entitled to all rights and privileges by the said recited Act conferred.

Conditions on which John Robinson may obtain Letters Patent.

7 Will. 4, cap 21.

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 John Robinson, to deliver into the office of the Colonial Secretary of this Island, a petition of the said John Robinson, for such letters patent, containing therein the solemn declaration of the said John Robinson, declaring and setting forth to the effect that he is the true inventor of the improvement, for which he seeks Letters Patent; and that such invention hath not, to the best of his knowledge or belief, been before known or used in this Island, which petition shall be verified by the oath of the said John Robinson, made by him before the present or late Mayor of the city of Liverpool, aforesaid, or before some 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

Petition and declaration to be lodged in Col. Secretary's office, verified by oath.

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."

III. Instead of the original written description or specification, with the drawings and written references accompanying the same, as required by the sixth section of the said Act of the seventh year of King William the Fourth, chapter twenty-one, to be delivered by the person applying for Letters Patent, into the office of the Secretary of this Island, it shall and may be lawful for the Said John Robinson, or his authorized agent, to deliver into the said office a true copy, certified under oath, of the description and specification of the said invention, with the drawings and written references thereunto annexed, and on which the said Letters Patent were granted by Her Majesty, as filed in the Great Seal Patent Office, which said certified copy of the said written description or specification, drawings and references, shall have the same force and effect, in all respects, as if the original had been delivered into said office.

An attested copy of the original description and specification to be lodged.

IV. Notwithstanding anything in the said recited Act of the seventh William the Fourth, chapter twenty-one, to the contrary, the said John Robinson 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 improvement, for the period of ten years from the passing of this Act, but no longer,

Letters Patent when to be granted

#### CAP. XXV.

An Act to prevent the running at large of Horses, Neat Cattle, Swine, Sheep and Geese, in Saint Eleanor's.

[Passed May 2, 1864.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. From and after the passing of this Act, it shall not be lawful for horses, neat cattle, swine, sheep or geese, to go at large in St. Eleanor's, within the area or limits of one-half mile, from the Court House in St. Eleanor's aforesaid, in any direction, and such limits shall be distinctly marked off and defined by the Reeves to be appointed hereunder; and it shall not be lawful for such Reeves to take up any animals as hereinafter mentioned, until such limits are clearly defined.

Horses, &c., restrained from going at large.

II. The senior Magistrate, for the time being, resident in Saint-Eleanor's is hereby required and directed, as soon as may be, after the passing of this Act, and on or before the first day of April, in every year thereafter, to appoint two fit persons to act as Reeves, for the purposes of this Act, within the aforesaid precincts or limits; and it shall be the duty of any one or more of the persons so to be appointed annually, as aforesaid, to seize and take up any and every such beast or animal as aforesaid, found going at large beyond the premises or enclosures of the owner or owners thereof, within the aforesaid precincts, and impound the same on his or their own premises, or in such public pound or place as may be appointed for that purpose; and it shall be the duty of such Reeves to find and provide for such beasts or animals, 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.

Reeves, how appointed.

Their duty.

III. When any such beasts or animals, as aforesaid, shall be so seized and impounded, it shall be the duty of the Reeve or Reeves, so detaining the same, 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 beasts or animals to be sold at public auction, at or near the Court House in St. Eleanor's, by giving at least three days' notice to that effect by written or printed notices, posted up in three or more of the most public places within the precincts aforesaid—one of such notices to be posted on the said Court House; and every of such notices to contain a particular description of such beasts or animals by the marks, color, size, age, so as the owner may be enabled to recognize such animals, and also the time and place, when and where the same shall be sold, in case such beast, beasts, or animals, shall not be previously redeemed and the expenses thereon duly paid.

After animals seized how to proceed.

Notices to be posted.

IV. If no person shall claim the animals within three days after such notice posted up, or if the owner or owners of such animals neglect or refuse to redeem them within the period of forty-eight hours after being so notified as aforesaid, 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 said senior magistrate, to be paid by him, when demanded, to the owner or owners of the said beasts or animals, if demanded within six months after the sale; and if

Animals not duly claimed, how to be disposed of.

not 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 any such animals, 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 expenses of advertising such animals, which said amount, in case of dispute, shall be ascertained and determined by a Justice of the Peace for the County, in presence of the 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 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 such animals, and deliver the same to the said owner or owners thereof; and also to levy by distress and sale of the goods and chattels of the person so detaining the said beasts or animals, the costs of the said last mentioned order and of the execution thereof.

Dispute to be determined by a Justice of the Peace.

V. Every such Reeve to be appointed in manner aforesaid, who shall neglect or refuse to perform any of the duties imposed upon him by this Act, shall forfeit and pay for every such refusal or neglect, the sum of forty shillings, to be recovered in manner hereinafter mentioned.

Reeves liable to a penalty for neglect of duty.

VI. 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 twenty shillings nor less than five shillings.

Penalty for obstructing Reeves.

VII. All fines and forfeitures imposed by this Act, 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 Prince County, and levied by warrant of distress and sale of the offender's goods and chattels; and when recovered, shall be paid the one-half thereof into the treasury of this Island and the residue to the Reeve or person who shall prosecute for the same; and in the event of no goods and chattels wherewith to levy, the said Justice shall commit the offender or offenders to prison for a period not exceeding ten days.

Fines, &c., how recovered and disposed of.

VIII. The fees to be taken and received under this Act shall be as follows: Fee to Justice on his award in cases of dis-

Fees authorized by Act.



pute as to amount to be paid to Reeve for keep of animals, three shillings. Order for delivery of animals after tender and refusal of expenses, one shilling and six pence. Constable's fees executing order, levying distress and sale, the same as may be taken for similar services under the laws for the time being in force for the recovery of Small Debts.

IX. Allowance to Reeve, for each and every day he shall keep a horse seized under this Act, one shilling and six pence. For each and every day he shall keep a head of neat cattle, one shilling. For every day he shall keep a sheep, six pence. For every day he shall keep a hog, six pence; and for every goose, per day, three pence, the time in each case to be computed from the time of seizure to the time of sale. Every notice of sale posted up, six pence.

Allowances to Reeves.

X. Wherever in this Act the word "Beasts" or "Animals" occurs, it shall be taken to include all horses, neat cattle, sheep, swine and geese.

Construction of terms.

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

Limitation of Act.

CAP. XXVI.

An Act to incorporate the Minister and Trustees of the Presbyterian Church at Valley Field, Township Number Fifty-seven.

[Passed May 2, 1864.]

WHEREAS it is desirable for the efficient management of the temporal affairs of the Presbyterian Congregation of Brown's Creek, worshipping in the Valley Field Church, Township Number Fifty-seven, that its Minister and Trustees be an incorporate body.

Preamble,

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows: that is to say, that the Reverend Alexander Munroe, be *ex-officio*, and Sweene Campbell, Malcolm Campbell, Alexander Doyle, Alexander McLeod, John McDonald, Murdoch McDonald, Donald McRae, Malcolm Bruce and Angus Stewart, and their successors forever, 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, Valley Field," and shall continue until the first day of January, in the year of our

Rev. Alexander Munroe and others, constitute a body corporate.

Lord one thousand eight hundred and sixty-five, or the first Monday of January, if the first day happen either on a Saturday or Sabbath day, 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 interest 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.

By-laws.

Office-bearers,  
when and how  
chosen.

II. After the passing of this Act, there shall be chosen annually, and on the first day of January, or the first Monday of January, when the first day happens either on Saturday or on a Sabbath day, in each year, four persons from among the ecclesiastically constituted office-bearers of the congregation, and likewise also five persons from among the members, or adherents qualified to vote, as hereinafter mentioned, being nine 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.

First election,  
Jan. 7. 1865.

Vacancy.

III. The first election under this Act shall take place on the first day of January, or the first Monday of January, when the first day happens either on Saturday, or on a Sabbath day, in the year of our Lord one thousand eight hundred and sixty-five; 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, or the clerk of the said trustees, 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.

IV. 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 the next annual election; any one or more or all of the trustees may be re-elected, 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 day of January, or the first Monday of January when the first day happens either on a Saturday or a Sabbath day, then the existing trustees shall continue in office till the expiration of the year.

Who qualified to vote.

Trustees may be re-elected.

V. The seal of the 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 said congregation, shall, immediately after the passing of this Act, come into the custody and possession of the above trustees, and shall be by them transferred to their successors immediately following them in office as trustees.

Custody of seal

VI. 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 estates 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 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.

Corporation may acquire lands, &c.

VII. 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.

Value of real estate.

VIII. 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

May grant, sell, lease, &c.

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 or any 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 or interest as the corporation of the said Presbyterian Church have, or may hereafter have in the same.

CAP. XXVIII.

An Act to incorporate Saint George's Lodge, Number Eight hundred and sixty-six, of Free and accepted Masons, of Georgetown, in Prince Edward Island.

[Passed May 2, 1864.]

Preamble.

**W**HEREAS a Lodge of Free and accepted Masons, under the name and title of "Saint George's Lodge, number eight hundred and sixty-six, of Georgetown, in Prince Edward Island, holding warrant under the most worshipful the Grand Lodge of England; bearing date the seventeenth day of May, one thousand eight hundred and sixty-one; 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:

George A. Aitken and others incorporated.

I. That George Albert Aitken, David Kaye, Robert T. Roach, William B. Aitken, Roderick Munro, Andrew W. LeBrocq, Charles Owen, James Macfarlane, Daniel F. Kennedy, Alexander Maclean, and Angus Macphail, past masters, masters and members of Saint George's Lodge, number eight hundred and sixty-six, of Free and accepted Masons of Georgetown, 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 Saint George's Lodge, number eight hundred and sixty-six, of Free and accepted Masons of Georgetown, 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.

II. It shall be lawful for the said Lodge to acquire and hold land, and immovable 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.

Lodge may hold real and personal property.

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 England, 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, how and by whom managed.

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 Lodge, to be testified in 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.

Investment of moneys.

Security to be taken from officers.

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.

### C A P. X X X.

s Will. 4. c. 20.

An Act to amend the Act of the third year of King William the Fourth, chapter Twenty, respecting the Church of England, in this Island.

[Passed May 2, 1864.]

Preamble.

**W**HEREAS the Act made and passed in the third year of the reign of King William the Fourth, chapter twenty, intituled "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 Acts for appointing vestries," requires in some respects to be amended, as far as relates to Saint Paul's, Charlottetown.

Present and future rates, &c. may be recovered.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, all rates, levies and assessments already fixed, made or ordered, or hereafter to be fixed, made or ordered, upon the pews and congregation of the Church of Saint Paul, in the parish of Charlotte, under and by virtue of the said recited Act, and also all pew rents due, or to become due, in respect of any pew or part of a pew in said Church, may be sued for and recovered in the name of "the Minister, Churchwardens and Vestry of the Church of Saint Paul, in the Parish of Charlotte," in any Court of Commissioners for the recovery of small debts, or the Mayor's Court for the city of Charlottetown, or any Court of competent jurisdiction in the said Island, and that on judgment being obtained therein, the same may be levied and enforced in all cases, according to the rules and practice of the Court wherein such judgment shall be obtained.

In what Courts

Possession of pews, &c. may be resumed for 2 months' arrears of assessment.

II. That whensoever and as often as any pew or pews, or part of a pew in the said church of Saint Paul, shall be in arrear for any such rate, levy or assessment, for the space of one month after the same ought to have been paid, and after two weeks previous notice thereof to the owner or occupier of

the same, either personally or on his agent in this Island, or on the party to whom the pew or part of a pew may be let, that then it shall be lawful for the said minister, churchwardens and vestry, and they shall have full power and authority, if they shall think fit so to do, to enter into and upon, and take possession of any such pew or pews, or parts of pews, so in arrear, and the owner or owners, occupier or occupiers thereof to remove and put out, and the same to sell, either at private sale or public auction, after fourteen days' notice thereof, either personally given, or published in one of the public newspapers published in Charlottetown aforesaid; and the proceeds of any such sale, after deducting all the rate or assessment so due thereon, and all expenses attending the same, shall be paid over to the owner of the pew, or such other person as shall be lawfully entitled to the same; and that every purchaser under any such sale, shall hold and possess the pew, or part of the pew so sold, as fully and absolutely as the former owner or occupier thereof.

How disposed of.

III. That in all cases arising under this Act, or the said Act of which this Act is in amendment, the certificate of the Rector and Churchwardens of the said church of Saint Paul's, for the time being, under their hands, to the effect that any rate, levy or assessment, or rent specified in such certificate, was regularly levied, imposed and made according to law, shall, without further proof thereof, be *prima facie* evidence in any Court as aforesaid, that such rate, levy or assessment was regularly and legally made.

Certificate of rate, where proof thereof.

### CAP. XXVIII.

An Act to incorporate the Grand and Subordinate Temples of the Independent Order of Good Templars of Prince Edward Island.

[Passed May 2, 1864.]

**WHEREAS** certain persons have associated themselves in this Island, under the names of the "Grand Temple and subordinate Temples of the Independent Order of Good Templars of Prince Edward Island," for the sole purpose of promoting the cause of temperance therein; and whereas it is desirable that the said Order, in the management of its pecuniary affairs, should be protected by an Act of incorporation.

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows: The Honorable Charles Young, the Reverend Henry Crawford, the Reverend William

Hon. C. Young,  
Rev. Henry

Crawford and others incorporated.

R. Frame, the Rev Alexander Falconer, George P. Tanton and Francis Stanley, members of the said Order, 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 Temple of the Independent Order of Good Templars 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.

May sue and be sued.

May hold real or personal property.

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 Temple 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, mortgage, or otherwise dispose of the said property and estate, as they may see fit.

May appoint managers.

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.

May take security.

Subordinate Temples may become incorporated.

IV. Each Subordinate Temple, of the Order of Good Templars, 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 temple, upon so becoming incorporated, shall have all the powers and privileges conferred upon the said Grand Temple 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 temple shall, in no case, exceed the value of one thousand pounds.

V. Each subordinate temple which may be desirous of becoming incorporated, shall and may, by a vote of two-thirds



of its members 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 temple, 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 temple, and the names of not less than ten of the members of such subordinate temple, under the seal of the said subordinate temple, and its presiding officer and recording secretary, together with a certificate of the Grand Temple under its corporate seal, and the signature of its presiding officer and secretary, that such subordinate temple 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 temple, whose names may be included in such vote as aforesaid, and their associates and successors, members of such subordinate temple, 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 temple.

Vote of two-thirds necessary.

Farther requisites.

VI. It shall and may be lawful for the trustee or trustees of each subordinate temple, so incorporated, and he or they are hereby empowered from time to time, by and with the consent of such subordinate temple, 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 temple, in real estate, or on mortgage, or in public or other stock, or funds, or in such other manner as such subordinate temple may deem best; and from time to time, with the like consent, to alter, sell, mortgage 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 temple, and signed by the trustee or trustees, and presiding officer of such subordinate temple; and all such investments shall be made and securities taken, and sales and transfers made in the corporate name and capacity of such subordinate temple.

Trustees may lay out monies in real estates, &c.

To be done in corporate name.

VII. It shall and may be lawful for such subordinate temple, 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 temple 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

Subordinate Temples may take security.

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 temple, as directed by the said subordinate temple.

Members not allowed to transfer interest.

VIII. No member of any subordinate temple 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 temple, but the same shall, at all times, be and remain under the control of such subordinate temple; and no property, or stock of any kind, belonging to such incorporated subordinate temple, 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 temple.

Property of Temples liable for debts.

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

Dissolution of Temples, effect of.

X. Upon the dissolution of any subordinate temple, so incorporated, the property held by it at the time of such dissolution, after the payment of the debts and engagements of such subordinate temple, 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 temple shall be made, then all such funds and property as such subordinate temple may be possessed of at the time of such dissolution, shall be *ipso facto* vested in the Grand Temple aforesaid, to be by such Grand Temple applied first to the debts or liabilities of such dissolved subordinate temple, and the balance, if any, in such manner as the said Grand Temple may deem best for the general interests of the order in Prince Edward Island.

Grand Temple when may take possession of property of subordinatess.

XI. If at any time hereafter, any one or more of the subordinate temples 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 Temple to enter into and upon, and take possession of the said property, both real and personal, of which the said subordinate temple becoming so involved, shall be possessed; and the same and all debts owing to the said subordinate temple, 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 mem-

bers, trustees or officers appointed for the purpose of managing the real and personal estates and effects of the said Grand Temple, and their successors and assigns; and upon so entering and taking possession of the said estates and effects of the said subordinate temple, the said Grand Temple, 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 temple in its corporate capacity, and shall and may thenceforth substitute the names or name, of such trustee 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 temple might otherwise have done, and may give such releases and such discharges as might have been given by the said subordinate temple; and may sell and convey all such property, both real and personal, as the subordinate temple 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.

Consequences of taking possession.

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

Duration of Act.

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PRIVATE AND LOCAL ACTS.

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ

CAP. I.

An Act to carry into effect certain unexecuted agreements, made by the late John Hodges Winsloe, Esquire, deceased, for the sale and leasing of certain parts of his estate in this Colony.

[Passed April 3, 1865.]

\*\*\* This Act was re-enacted in consequence of the despatch of the Right Hon. E. Cardwell, Colonial Secretary, dated 24th March, 1866. See 29th Vic. cap. 19.

CAP. IV.

1 Vic. cap. 21. An Act in further amendment of the Act to incorporate the Royal Agricultural Society of Prince Edward Island.

[Passed April 3, 1865.]

Preamble

WHEREAS through inadvertence the annual meeting of the Royal Agricultural Society of Prince Edward Island, was not held this year on the first Wednesday in March, as is required by the Act of the General Assembly of this Island, passed in the twelfth year of the reign of her present Majesty, chapter twenty-one, and it is expedient to give power to said society to hold the annual meeting of the said society, for this year, on another day.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows : It shall be lawful for the Royal Agricultural Society of Prince Edward Island to hold the annual meeting of said society, for this year, on the first Tuesday in May, next coming, instead of the first Wednesday in March, as required by the said recited Act, anything in the said recited Act to the contrary, notwithstanding.

Annual meeting for 1865 to be held 1st Tuesday in May, instead of 1st Wednesday in March.

II. The number of subscribers to the said society shall, as heretofore, be indefinite, but the class of governors are hereby abolished, and the president and committee shall be chosen by a majority of the members generally, and such committee shall consist of the president, vice president, and fourteen members, in addition to the number of members of the House of Assembly to be appointed in manner pointed out by the third section of the said recited Act; and anything in the second and third clauses, or other parts of the said recited Act, inconsistent with this clause, are hereby repealed.

Class of Governors abolished.

Constitution of Committee.

III. From and after the passing of this Act, the appointment of a person annually to the office of general Secretary and Treasurer to the said society shall be made by the president and committee of the said society, instead of by the Lieutenant Governor and Council, as required by the said recited Act; and such Secretary and Treasurer, so to be appointed, shall be responsible to 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, at the pleasure of the said president and committee; and such Secretary and Treasurer 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 appointed secretary and treasurer, together with two or more good and sufficient persons as sureties; 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 Colonial 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 be appointed by President and Committee

Secretary and Treasurer to give a bond for faithful discharge of his duties, &c.

Secretary and Treasurer, annually to file accounts in office of Col. Secretary.

IV. The fifth section of the said recited Act of the twelfth Victoria, chapter twenty-one, is hereby repealed.

Repeals 5th sec. of 12th Vic. cap. 21.

CAP. XXII.

26 Vic., cap. 4

An Act to amend the Act of the twenty-sixth Victoria, chapter four, incorporating the Union Bank of Prince Edward Island.

[Passed April 3, 1865.]

Preamble.

WHEREAS it is expedient to amend the above mentioned Act, by altering the day of holding the annual meeting of the Stockholders, from the first Tuesday in April to the first Wednesday in March, annually; and likewise the days making the semi-annual return, by the Cashier, as mentioned in the said Act.

Annual Meeting altered to the first Wednesday in March.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows: That the day of holding the annual meeting, mentioned in the fifth and twenty-seventh sections of the said Act, shall, from and after the first day of January, in the year of our Lord one thousand eight hundred and sixty-six, be the first Wednesday in March, annually, instead of the first Tuesday in April; and that the semi-annual returns to be made by the Cashier, in terms of the thirty-third section of the said Act, shall be made on the first Wednesday in March and first Wednesday in September, yearly, instead of the first Tuesday in April and the first Tuesday in October.

Semi-annual Returns to be made on first Wednesday in March, and 1st Wednesday in September.

CAP. XXIV.

An Act to incorporate the Summerside Bank.

[Passed April 3, 1865.]

Preamble.

WHEREAS it is expedient for increasing and circulating the medium of business, and for promoting a more extensive and beneficial employment of resources and industry of the country, that a Bank should be established at Summerside, in this Island; 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.

Jas. Colledge Pope & others, their successors, &c., united into a company and body corporate.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows: James Colledge Pope, John Andrew McDonald, Robert T. Holman, Colin McLennan, James Muirhead, Richard Hunt, Dugald S. McNutt, Finley McNeill, William Beairsto, Robert Mac C. Stewart, James Campbell, William Richards, John P. MacLellan, Stephen MacNeill, David Rogers, John Haszard, James L.

Holman, Charles Green, Donald H. McDonald, Charles Compton, John Yeo, their associates, successors, or assigns, be, and the same are hereby declared to be a body corporate by the name of "Summerside Bank," 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 in law and capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any 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 en- sealing 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 and 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.

Name and powers of corporation.

II. The capital stock of the said corporation shall consist of current gold and silver coins of this Island, to the amount of fifteen thousand pounds, the sum of five thousand pounds, one third 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 five thousand pounds, within two years from the passing of this Act; and the remaining five thousand pounds within three years from the passing of this Act, the whole amount of the said stock to be divided into shares of five pounds each, making in the whole three thousand shares.

Capital stock to be £15,000

Shares to be £5 each.

III It shall be lawful for the said corporation of the Summerside Bank, to accept and take any lands, houses, or other real or personal estate, in satisfaction, liquidation, or payment

Bank corporation may take land in pay-

ment of debts due.

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, 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.

When six hundred shares subscribed company to meet to make by-laws, &c.,

IV. 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 the 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 stockholders, their successors and assigns.

Authority of directors.

Mode of transferring shares, &c.,

Annual general meeting of stockholders on 1st Tuesday February, at Summerside.

V. There shall be a general meeting of the stockholders and members of the said corporation, to be annually holden on the first Tuesday in February, in each and every year, at Summerside, 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.



VI. 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 reasonable 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 other 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.

Directors to appoint officers &c.

VII. 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 their 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.

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

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

Compensation to President and directors.

IX. No person shall be eligible as a director unless such person is a stockholder and holding not less than thirty 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.

Who eligible as directors.

X. 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.

Security to be given by cashier and clerk.

XI. 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 bear 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

Number of votes allowed to each stockholder.

thirty shares, one vote: provided the number of fifteen votes shall be the greatest that any stockholder shall be entitled to.

**XII.** 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.

Vote by proxy, when and how allowed.

No member to hold more than 80 shares during first three months after the passing of this Act.

**XIII.** 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 eighty 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 one hundred and sixty shares: provided always, that no stockholder shall be permitted to hold more than two 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.

Vacancies in board of directors, how filled up.

**XIV.** 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.

Thirty days' notice for payment of instalments on shares.

**XV.** 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 five thousand pounds shall be actually paid in, and received, on account of the subscriptions to the capital stock of the said bank.

When £5,000 in specie paid

**XVI.** As soon as the sum of five thousand pounds shall have been paid, in current gold and silver coins, and

shall be in the vaults of the said Bank, the president shall give notice thereof to the Colonial Secretary of this 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 one third 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 intended 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.

in, notice to be given to Colonial Secretary for information of Lieut. Governor, &c.

XVII. 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 transferrable; 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.

Shares to be assignable.

Persons making transfer, to discharge all debts due from him to corporation.

XVIII. The said company shall not, directly or indirectly, deal in anything 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 good 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 of 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.

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

XIX. The holders of the stock of the said Bank shall be chargeable in their private and individual capacities, 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,

Extent of liability of shareholder.

and in proportion to the stock they respectively held; provided, however, that in no case shall any one stockholder be liable to pay a sum exceeding twice the amount of stock then actually 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 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.

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

XX. 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.

Proviso.

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

XXI. The total amount of debts (deposits excepted) which the said corporation shall at any time owe, whether by bond, bill or note, or any 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 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.

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

XXII. The directors shall make half yearly dividends of all profits, rents, premiums and interests 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.

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

XXIII. 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.

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

XXIV. All 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.

XXV. 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 the course of its circulation; to a larger amount, notwithstanding such alteration.

Liability of corporation on counterfeited or altered note.

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

Where bank to be kept.

XXVII. The directors shall, at the general meeting to be held on the first Tuesday in February 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, the amount of such 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.

Directors at annual meeting, to lay before the stockholders a statement of the affairs of the corporation.

Duplicate statement to be transmitted to Colonial Secretary.

Proviso.

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

No loan or pledge of bank stock.

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.

Joint Committee of Council and Assembly to have access to books and vaults.

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

Twelve shareholders or more having 600 shares may call a general meeting.

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 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 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 capacities for the payment and redemption in proportion to the stock they respectively held or hold, subject however, to the proviso mentioned in the nineteenth section of this Act; provided, however, that this liability shall continue for two years only, from and after the notice of such dissolution.

Limits amount of debts due to bank by directors.

**XXXII.** The aggregate of all 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.

Cashier of the Bank semi-annually to make a return in triplicate of the state thereof.

**XXXIII.** The cashier of the said bank shall, semi-annually, that is to say, on the first Tuesday in February and the first Tuesday in August, make a return in triplicate of the state of the said bank, as it existed at three o'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 particulars included therein, and the said return shall be made in the following form:

Form of return

FORM OF RETURN.

State of the \_\_\_\_\_ on the \_\_\_\_\_ day of  
18 \_\_\_\_\_ 3 o'clock, p. m.

DUE FROM BANK:

Bills in circulation,  
Net profits in 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 metal in its banking-house,  
 Real Estate,  
 Bills of other banks, incorporated in this Island,  
 Balances due from other banks,  
 Amount 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.

Which return shall be signed by the cashier of the 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 the 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.

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

Colonial Secretary to lay Cashier's returns annually before the Legislature.

XXXIV. The cashier, or acting cashier, for the time being, shall, in each and every discount day, furnish a true list to the president or chairman of the said Bank of all delinquent promisors, acceptors, 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

Delinquent list to be made up on every discount day.

name of any director shall appear in such delinquent sheet, either as promiser, acceptor, endorser or surety, it is hereby declared illegal for such director to sit at the Board to take 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 writ 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 nature of and shall be personal estate, and transmissible as such accordingly.

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

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 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 such 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.

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 fifteen thousand pounds, thereby making the amount of capital stock of the said bank, thirty 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 £15,000

XL. Such additional shares shall be sold at public auction, in separate lots of five shares each, as follows, that is to say: two thousand five hundred 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 two thousand five hundred pounds to be sold at any one time.

Additional shares to be sold at Public Auction, &c.

XLI. 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.

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

XLII. The whole of such advance or premium (if any) first deducting the charges of sale, shall be divided in 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 Colonial 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 of this Island, and not before.

Advance or premium realized on sale of additional shares how divided and disposed of.

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.

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

Suspension of  
specie pay-  
ment 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 had 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 ninety.

### CAP. XXVI.

An Act to Incorporate the Minister and Trustees of the Presbyterian Congregation of Woodville and Little Sands, Townships Numbers Sixty-two and Sixty-four,

[Passed April 3, 1865.]

Preamble.

**WHEREAS** it is desirable for the efficient management of the temporal affairs of the Presbyterian Congregation of Woodville and Little Sands, Townships Numbers Sixty-two and Sixty-four, that its Minister and Trustees be an incorporate Body.

Certain persons incor-  
porated.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, that is to say: That the Rev. Donald McNeill be *ex-officio*, and John McDonald, junior, Duncan Crawford, Neil McMillan, Donald Beaton, Duncan Munn, Malcolm Stewart, and Donald Beaton, jun., and their successors forever, 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 Congregation of Woodville and Little Sands," and shall continue until the first Monday of January, in the year of our Lord one thousand eight hundred and sixty-six, and they and their successors in office, forever, 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

Name of cor-  
poration,

To have a com-  
mon seal.

Capable of  
Pleading, &c.

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 interest 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.

II. After the passing of this Act, there shall be chosen annually, on the first Monday of January, in each year, seven persons, four persons from among the members in full standing in the congregation, and likewise also three persons from among the members, or adherents, qualified to vote, as hereinafter mentioned, being seven 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 corporation.

Trustees to be annually chosen, &c.

III. The first election under this Act shall take place on the first Monday of January, in the year of our Lord one thousand eight hundred and sixty-six, and it shall be the duty of the existing trustees, and they are hereby required to request the minister or moderator of the session, or the clerk of the said trustees, 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.

Election to be held annually on 1st Monday in January.

IV. 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 the next annual election; any one or more or all of the trustees may be re-elected, 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 Monday in January then the existing trustees shall continue in office till the expiration of the year.

Persons qualified to vote at the election of trustees.

Mode of filling up vacancies.

Trustees eligible for re-election.

If no election takes place trustees to continue in office.

V. The seal of the said corporation, and all deeds, books, minutes, vouchers, obligations, securities for moneys, and all and every description of property really and truly belonging

Common seal and all other property, to be

vested in trustees, &c.

to the said congregation, shall, immediately after the passing of this Act, come into the custody and possession of the above 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.

VI. 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 congregation, any messuages, lands, tenements, buildings, real or personal estates 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 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 convened and qualified to vote as above, in the election of trustees.

Yearly income and value of real estate not to exceed £500

VII. 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 five hundred pounds currency of this Island.

Corporation authorized to sell, exchange, mortgage, &c., real estate, &c.

VIII. 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 lauds 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 or any 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 or interest as the corporation of the said Presbyterian congregation have, or may hereafter have in the same.

## CAP. XXIX.

An Act to enlarge the jurisdiction of the Mayor's Court in the City of Charlottetown.

[Passed April 3, 1865.]

Preamble

**WHEREAS** it is deemed expedient to enlarge the jurisdiction of the Mayor's Court, in the City of Charlottetown,

in matters of small debt. Be it enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. The Mayor's Court for the recovery of small debts in the City of Charlottetown may, in addition to actions of debt and trover, have power and jurisdiction in and over all civil actions or contracts, and also over all actions *ex delicto*, including actions of assault and battery, replevin, case, detinue and slander, wherein respectively, the damages claimed shall not exceed five pounds.

Extends power  
of Mayor's  
Court.

PRIVATE AND LOCAL ACTS.

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ANNO VICÉSIMO NONO  
VICTORIÆ REGINÆ.

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CAP. XIII.

An Act to continue the Act to prevent the running at large of Hogs within the Town, Common and Royalty of Charlottetown, in so far as relates to the said Royalty.

10 Vic. cap 7.

[Passed May 11, 1866.]

Preamble

**W**HEREAS the Act hereinafter mentioned will shortly expire, and it is deemed expedient to continue the same:

The 10th Vic. cap. 7 continued for 10 years in so far as same relates to Royalty of Charlottetown

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that the 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," in so far as the same relates to the Royalty of Charlottetown, shall be, and the same is hereby continued, for the period of ten years, from the passing hereof, and from thence to the end of the then next session of the General Assembly of this Island, and no longer.

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CAP. XIV.

An Act to authorize the Commissioner of Highways for District Number Four, in Queen's County, to place a Gate at the northern extremity of certain Roads therein mentioned.

[Passed May 11, 1866.]

Preamble.

**W**HEREAS it is deemed advisable, in order to prevent, as far as practicable, the shifting inland of the Sandhills on the northern portion of Township number thirty-three, and the destruction thereby of valuable property, to protect the same from cattle, and thereby permit the growth of the Sandhill grass.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that it shall be lawful for the Commissioner of Highways for District number Four, in Queen's County, to place a Gate at the northern or shore termination of all public roads on Township number thirty-three, and to keep the same so placed and closed there (except when required for the passage of the public with carts or carriages, or on horseback, or on foot) at all times of the year, between the first day of April and the first day of December, in each year.

Commissioner of Highways for District 4, in Queen's County, to place a Gate at shore termination of all public roads on Township 33.

II. Any person who shall wilfully damage or leave open any such Gate, shall be liable to pay a penalty of twenty shillings for each and every offence, the same to be recovered before any one of Her Majesty's Justices of the Peace for Queen's County; and, when recovered, one half of the penalty to go to the informer, or he who shall sue for the same, and the other half to be paid to the said commissioner of Highways, to be laid out upon the roads in the district.

Penalty for damaging or leaving open any of said gates.

## CAP. XVII.

An Act to continue and amend a certain Act therein mentioned.

23 Vic. cap. 6

[Passed May 11, 1866.]

**WHEREAS** the Act of the twenty-third year of the reign of her present Majesty, chapter six, intituled, "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," will shortly expire, and it is deemed advisable to continue and amend the same. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:

Preamble.

I. That from and after the passing of this Act, so much of the first section of the hereinbefore recited Act as defines the amount to be paid annually to the person holding the appointment of Harbor and Ballast Master under the provisions of the said recited Act, shall be, and the same is hereby repealed, and, instead of the sum therein named, there shall be paid annually, out of the moneys in the public treasury, to the person holding such appointment, as aforesaid, the sum of seventeen pounds and ten shillings, for his services.

Harbor and Ballast Masters' salary to be £17 10s annually.

II. The said recited Act of the twenty-third Victoria, chapter six, as amended by this Act, shall be, and the same is hereby continued for the space of five years from the passing

The Act 23d Vic. cap. 6, continued as amended, for 5 years.

hereof, and from thence to the end of the then next session of the General Assembly, and no longer.

CAP. XVIII.

An Act to carry into effect certain unexecuted agreements, made by the late John Hodges Winsloe, Esquire, deceased, for the sale and leasing of certain parts of his estate in this Colony.

[Passed May 11, 1866.]

Preamble.

**W**HEREAS John Hodges Winsloe, late of Trelleck, in the County of Monmouth, England, Esquire, deceased, died seized of certain Lands on Townships numbers twenty-four and thirty-three, in this Island, certain parts of which Lands the said John Hodges Winsloe had in his lifetime, by his several Agents and Attorneys on this Island, settled with tenants under agreements for leases thereof for nine hundred and ninety-nine years, and also for shorter terms, but which leases were not executed by the said John Hodges Winsloe in his lifetime; and had also through his said agents and attorneys agreed with sundry parties for the sale in fee simple of certain parts or portions of the said lands, but deeds of conveyance thereof were not executed in the lifetime of the said John Hodges Winsloe: and whereas the said John Hodges Winsloe, by his last will and testament, without making any provision therein for carrying out the said agreements entered into in his lifetime, devised two thousand acres, part of his said land, to his son John Winsloe for his life, with remainder to his children, as tenants in common in fee, with cross executory devises and limitations between them, which said John Winsloe has, since the death of the testator, his father, been adjudged a person of unsound mind, and a committee of his personal estate has been duly appointed, according to the laws of this Island. And whereas the said John Hodges Winsloe did also by his said will, devise three thousand acres, part of his said lands, to his son Henry Winsloe for his life, with like remainder to his children, as in the devise to his said son John is mentioned, and set forth, which said Henry Winsloe, is since deceased, and hath left four infant children him surviving. And whereas the said John Hodges Winsloe did also, by his said will, devise one thousand acres, part of his said lands, together with one equal half part of all the rest of his said lands on the said townships, numbers twenty-four and thirty-three, to his son Alfred Winsloe for his life, with like remainder to his children, as in the devise to his said son John Winsloe the other equal half part of his



said lands, the said testator, devised, to his two daughters Amelia Evans and Annie Winsloe, now Annie Smith, wife of William Sydney Smith, in fee simple. And inasmuch as the aforesaid tenants and settlers on the said township lands, have, on the faith of their said agreements for long leases and purchase, made valuable improvements on their farms, and for as much as there is no provision made or power reserved in the said will of the said John Hodges Winsloe to carry out the said agreements for lease and sale, which subject the said tenants to great uncertainty in their tenures, and much delay and expenses must necessarily be incurred before the said agreements by the ordinary rules of law or equity can be carried out, although the parties interested are willing that justice shall be done in the premises; it is therefore deemed expedient and proper that power be given to the parties hereinafter named for that purpose to carry out the said agreements according to their true intent and meaning. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. That from and after the passing of this Act it shall and may be lawful to and for the present committee of the said John Winsloe, and any future committee for the time being, of his estate, lawfully constituted, to execute and deliver to the tenant and tenants on the said two thousand acres of land so devised to the said John Winsloe for his life, with the remainder, over all such leases for such terms of years and under such rent and conditions as he the said John Hodges Winsloe was, in his lifetime, under any agreements to deliver, or in any way liable in law or equity to execute or deliver; and that all such leases shall be as effectual and binding for all purposes as if the same had been made and executed by the said John Hodges Winsloe in his lifetime: provided always, that the rent to be reserved in all such leases, shall be payable to the said John Winsloe or his committee, during his life, and after his decease, to such person or persons as shall be entitled to the same under the said last will and testament of the said John Hodges Winsloe, deceased.—That it shall also be lawful to and for the guardian or guardians, for the time being, of the infant children of the said Henry Winsloe, deceased, appointed by any competent court or authority, to execute and deliver to the tenant and tenants on the said three thousand acres of land, so devised to the said Henry Winsloe for his life, with remainder over, as aforesaid, all such lease and leases for such term of years, and under such rent and conditions as he the said John Hodges Winsloe was, in his lifetime, under any agreement or in any way liable in law or equity to execute or deliver; and that all such leases shall be as effectual and binding for all purposes as if the same had been made

Committee of John Winsloe may grant leases as previously agreed upon in lifetime of John H. Winsloe, deceased.

Effect of such leases.

Proviso as to rent reserved.

Guardians of children of Henry Winsloe, deceased, may grant leases as previously agreed upon.

Effect of such last mentioned leases.

and executed by the said John Hodges Winsloe in his lifetime: provided always, that the rent to be reserved in all such leases, shall be payable to such children and heirs of the said Henry Winsloe as shall be entitled to the same under the said last will and testament of the said John Hodges Winsloe, deceased. That it shall also be lawful to and for Alfred Winsloe, aforesaid, his appointee and appointees, to execute and deliver to the tenant and tenants on the said lands so devised to him in the said will, for his life, with remainder over, as aforesaid, all such lease and leases for such term of years, and under such rent and conditions as he, the said John Hodges Winsloe, was in his lifetime, under any agreement, or in any way in law or equity, liable to execute and deliver. And it shall also be lawful for the said Alfred Winsloe, his appointee or appointees, jointly with the said Amelia Evans and the said Annie Smith and her said husband, or the trustees or trustee of her estate, for the time being, or otherwise, as the case may require, to execute and deliver to any such purchaser or purchasers, as aforesaid, all such deed or deeds of conveyance or release, as he, the said John Hodges Winsloe was, in his lifetime, under any agreement or in any way liable in law or equity to execute and deliver; and that all such lease and leases and deeds of conveyance, or releases, so to be executed by the said Alfred Winsloe, his appointee and appointees in manner aforesaid, shall be as effectual and binding for all purposes in law and equity, as if the same had been made and executed by the said John Hodges Winsloe in his lifetime: provided always, that the purchase moneys arising from any such sale, or so much thereof as shall be due and unpaid, shall in all cases be paid to the trustees and executors of the said John Hodges Winsloe, appointed by his said last will to and for the purposes of the said will.

Alfred Winsloe and his appointee may grant leases as previously agreed upon, &c.

Effect of such leases.

\* \* This Act received Her Majesty's assent, and notification thereof was published in the *Royal Gazette* newspaper on the 6th day of March, A. D., 1867.

## CAP. XX.

An Act to prevent the running at large of Swine within the Town an Royalty of Princetown.

[Passed May 11, 1866.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly as follows:

I. The Commissioner of Highways for the District in which Princetown and Royalty are situate, is hereby required and

Four Hog  
Reeves to be

directed to appoint, four fit and proper persons, on, or before the first day of May in every year hereafter, to act as Hog Reeves within the said Town and Royalty; and it shall be the duty of such persons so appointed, and they are hereby required to seize and take up within Princetown and Royalty all hogs or swine going at large therein beyond the premises or enclosures of the owner or owners thereof; and such Hog Reeves are hereby authorized to call upon such of the inhabitants of the aforesaid Town and Royalty, as they may deem necessary, to aid them in seizing and securing all swine so going at large.

appointed annually before 1st May.

To seize Hogs at large, &c.

II. It shall be lawful for such Hog Reeves, or any one of them, to sell or cause to be sold, at public auction, all swine so seized and taken up as aforesaid, forty-eight hours' notice having been previously given by written notices posted up in three of the most public places within the said town and Royalty: Provided always, that the owner or owners of all swine so taken up shall be entitled to have the same returned to him, her or them, if he she or they shall, previous to such sale thereof as aforesaid, tender to such Hog Reeve or Hog Reeves, who shall have seized or taken up the same, the sum of four shillings of lawful money of the said Island per head for all swine so seized and taken up, and the proceeds of such sale as aforesaid, or the sum so to be paid by such owner or owners, shall be retained by such Hog Reeve or Hog Reeves for his or their own use and benefit.

Hogs seized to be sold.

Proviso.

Remuneration to Hog Reeves.

III. Any person so appointed Hog Reeve within the said Town and Royalty, and who shall refuse or neglect to perform the duties of his said office by not taking up all swine so found going at large as aforesaid within the said Town or Royalty, or in not disposing of the same in manner hereinbefore prescribed, shall forfeit and pay, for every such refusal or neglect, the sum of twenty shillings, to be recovered before any one or more of Her Majesty's Justices of the Peace for Prince County, together with the costs of suit, and to be levied in default of payment by warrant of distress on the goods and chattels of such Hog Reeve; one half 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 shall prosecute such Hog Reeve: Provided always that no person appointed Hog Reeve, as aforesaid shall be liable to serve as such more than once in every three years.

20s. penalty on Hog Reeve for refusal, or for neglect of duty.

Warrant of distress.

IV. All persons in any way or manner obstructing any such Hog Reeve or Hog Reeves in the execution of his or 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

Two pounds penalty for obstructing Hog Reeve.

To be levied on  
goods and  
chattels, &c.

of any such Hog Reeve, or one or more credible witness or witnesses, and in manner last aforesaid; and in the event of the offender or offenders not having goods or chattels whereon 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 the County for a period not exceeding ten days.

10 years' dura-  
tion of Act.

V. This Act shall continue and be in force for the period 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.

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#### CAP. XXIV.

An Act to incorporate the Souris Bank.

[Passed May 11, 1866.]

\*\* As this Act has not been acted upon, it is not here reprinted.

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#### CAP. XXV.

An Act to incorporate the Western Bank.

[Passed May 11, 1866.]

\*\* As this Act has not been acted upon, it is not here reprinted.

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#### CAP. XXVI.

An Act to Incorporate the Minister and Trustees of the Presbyterian Church of Cascumpec.

[Passed May 11, 1866.]

Preamble

**W**HEREAS it is desirable for the efficient management of the temporal affairs of the Presbyterian Congregation of Cascumpec, in connection with the Presbyterian Church of the Lower Provinces, 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:

Rev. A Fraser  
*ex officio* and  
others to be a  
body corpor-  
ate

I. That the Reverend Allan Fraser, *ex officio*; James Forsyth, senior, Alexander Matthews, Allan Forsyth Matthews, and William C. Montgomery, 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 of Cascumpec;" and they 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 lands and funds of 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 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 to form a quorum in all matters to be done and disposed of by the said corporation.

May sue and defend.

Establish by-laws and regulations.

Appoint a chairman and other officers.

II. That when any vacancy in the trust shall arise, by death resignation or otherwise, that the Minister of the said church shall give notice that a congregational meeting 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 of Cascumpec, immediately after Divine Worship, on a Sabbath, at least ten days previous to the day of said meeting; and the choice of said trustee or trustees shall be determined by the vote of the majority of the adherents of the congregation, from twenty-one years of age, who may be contributing from ten shillings and upwards annually, and not in arrears; and any male adherent in the congregation from twenty-one years of age, and who is in full communion, and who may be contributing from twenty-five shillings and upwards annually, and not in arrears, shall be eligible to hold office as a trustee.

Vacancies in trust, how filled up.

Meeting of Congregation.

Qualification to vote.

III. After the passing of this Act there shall annually be chosen, by such of the congregation of the said church as are qualified to vote as above mentioned, six persons, being members of said church, as above stated who shall be trustees thereof, together with the Minister of the said church; and such seven persons so chosen shall be in lieu of the trustees chosen or deputed under this Act, and be recognized as a body corporate of the said church.

Six trustees to be chosen annually.

Minister in addition to make seven.

IV. The first election of trustees under this Act shall take place on the second Tuesday in December of the present year, viz: One thousand eight hundred and sixty-six; and all future elections shall take place on the second Tuesday in December in each and every year thereafter in all time coming, due notice being given, in each case as above stated.

Trustees' election, second Tuesday in December, 1866.

V. If it should happen that no election of trustees should take place on the second Tuesday in December in any year as aforesaid, then, and in such case, the trustees then in office

Omission to elect on a regular day, how remedied.

Requisition signed by 12 voters.

10 days' notice of a meeting.

Seal of corporation, books, and other property to be held in possession by trustees.

Corporation may acquire messuages, lands, &c., and receive conveyances thereof.

Trustees may dispose of lands, &c.

Proviso.

£500, annual value of real estate allowed.

Act to be deemed a public Act.

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.

VI. The seal of said corporation, and all books, deeds, minutes, vouchers, subscriptions, obligations and 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.

VII. It shall and may be lawful for the said corporation to contract for and purchase, or in any lawful mode, whether by demise, 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, for the benefit of said congregation according to the discretion of said corporate body.

VIII. It shall and may be lawful for the trustees for the time being, to dispose of the church lands in any way they may see proper for the interest 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.

IX. 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 one time more than a clear net yearly income of five hundred pounds sterling.

X. 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.

XI. This Act shall continue and be in force for the space 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. Act in force for 10 years.

### C A P. XXVII.

An Act to amend the Act relating to the Presbyterian Church at Valleyfield.

[Passed May 11, 1866.]

**W**HEREAS it has been considered expedient by the parties interested in the welfare of the Presbyterian Church at Valleyfield, Township number fifty-seven, that the second and fourth sections of the Act passed in the twenty-seventh year of the reign of her present Majesty, intituled "An Act to incorporate the Minister and Trustees of the Presbyterian Church at Valleyfield, township number fifty-seven," should be altered and amended: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows: Preamble

I. After the passing of this Act there shall be two persons from the ecclesiastically appointed office-bearers of the congregation of the said church, and seven persons from among the members or adherents qualified to vote, chosen annually on the day appointed in and by the second section of the said recited Act, making nine in all, which said nine persons, so elected, shall be and act in the place and stead of the nine persons therein mentioned, and be invested with the same powers and privileges. Two persons office bearers, seven from members to be appointed.  
Such 9 persons to act in place of 9 mentioned in 27th Vic. cap. 26, sec. 2.

II. All the male adherents of the congregation, of twenty-one years of age and upwards, who shall be contributing five shillings and upwards annually, and shall not be in arrears, shall be qualified to vote as specified in the fourth section of the said recited Act, anything in the said fourth section, or any other part of the said recited Act to the contrary, notwithstanding. Male persons who are qualified to vote.

### C A P. XXVIII.

An Act to amend the Acts incorporating the Minister and Elders of Saint John's Church in the district of Belfast.

[Passed May 11, 1866.]

**W**HEREAS in and by the fourth section of the Act of the nineteenth year of the reign of her present Majesty, chapter sixteen, intituled "An Act to alter and amend the Preamble.

“Act incorporating the Minister and Elders of Saint John’s Church, Belfast,” the time for holding the annual meeting for the election of trustees, is the first Tuesday in January, and such time has been found inconvenient; for remedy whereof, Be it enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. After the passing of this Act, the annual meeting for the election of trustees of said church, under the provisions of the said recited Act, shall take place on the first Monday in August, in each and every year, instead of the first Tuesday in January, as directed in and by the said recited Act.

1st Monday in August substituted for 1st Tuesday in January.

### C A P. X X X.

An Act to alter, add to, and amend the Act to incorporate the Town of Charlottetown, and the Acts in amendment thereof.

[Passed May 11, 1866.]

Preamble **W**HEREAS several parts of the Act to incorporate the Town of Charlottetown, and the Acts in amendment thereof, require alteration and amendment. Be it enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. The Oaths of office of the Mayor, Councillors, Assessors and Auditors shall be as follow:

#### MAYOR’S OATH.

Mayor’s Oath. I do swear that I am duly qualified, as required by law, for the office of Mayor, to which I have been now elected, and that I am seized or possessed (as the case may be) of freehold estate, leasehold estate, or freehold and leasehold estate both together, for my own use, in the City of Charlottetown, over and above all legally recorded incumbrances, of the value of five hundred pounds; 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 elected to the said office. 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 Mayor while I hold the same.

So help me God.

#### COUNCILLOR’S, ASSESSOR’S AND AUDITOR’S OATH.

Oath of Councillors, Assessors, and Auditors.

I do swear that I am duly qualified 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, (as the case may be,) of freehold estate, leasehold estate, or freehold and leasehold estate both together, of the value of two hundred pounds, or (in case the following shall be the qualification) that I am in the use, possession or occupation of premises, in the City, of the yearly rent of, or assessed at forty pounds per annum, 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; 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.

Which said oath, after the blanks shall have been properly filled in, shall be taken and subscribed, together with the oath of allegiance, in the manner and before the persons named in the seventh section of the said Act, and shall be in lieu of the form of oath therein prescribed.

Oath of Allegiance.

II. No inhabitant of the City of Charlottetown shall be entitled to vote at the election of Mayor or Councillor unless he shall have paid, previous to the time of holding such election, all rates and assessments then due by him, of which payment the evidence shall be the receipt of the City Collector to that effect, produced at the time of such voting: provided always, that citizens resident in one ward in which they have paid their rates and assessment, and who shall claim to vote for the election of Councillors in one or more other wards, on freehold property situate therein, shall be entitled to vote in such ward or wards on their taking the following oath, if required so to do:

Payments of rates where necessary to vote for Mayor, &c.

Proviso.

#### OATH.

I do swear that I am possessed of freehold estate in this ward which qualifies me to vote for a Councillor or Councillors at this present election, and that the rates and assessments due thereon have been duly paid before holding this election, as I am informed and believe.

Oath to vote on property situate in different ward.

So help me God.

III. Any person possessed of a freehold in the City, or having a shop, store or office in the City, and conducting a business therein on his own account solely, or as a recognized partner in business for three years previous to any election, shall, although his residence may be in the Royalty of Charlottetown, be deemed to dwell in the ward in which his freehold is situate, or in which he conducts his business, and being otherwise qualified, shall have the right of voting therein.

Residents in Royalty, where to be deemed as living in Charlottetown to enable them to vote.

City Collector to receive and pay over to City Treasurer all rates, taxes, &c.

IV. The City Collector shall receive all rates, taxes and assessments which shall be levied and imposed upon or payable by the inhabitants of the said City, and shall pay the same over to the City Treasurer; and the said collector and treasurer shall be entitled to receive such compensation, by way of salary or commission, as the Council of the City shall, from time to time, allow. Section twenty-seven of the said Act is hereby repealed.

Three days' notice of meeting of City Council, where dispensed with on emergency.

V. In case of any emergency, it shall be lawful for the Mayor, or the presiding Councillor in the absence of the Mayor, to call a meeting of the City Council, at such time as he may direct, without giving three days' notice as prescribed in the thirty-second section of the said Act.

24th Vic. cap. 15, repealed.  
No rate to exceed in future one shilling in the pound.

Proviso.  
Sec. 36 of 18 Vic. cap. 34; also, 24 Vic. cap. 15, repealed.

VI. The Act passed in the twenty-fourth year of her present Majesty's reign, intituled "An Act to amend the Act to incorporate the town of Charlottetown," is hereby repealed; and it is enacted, that in all future assessments on real estate in the said City, there shall not be levied or assessed, in any one year, any greater or larger sum upon the tenant or occupant of real estate than may be raised at a rate not to exceed one shilling in the pound of the rental or yearly value of such real estate. Provided always, that so much of the thirty-sixth section of the Act of eighteenth Victoria, chapter thirty-four, intituled "An Act to incorporate the Town of Charlottetown," as authorized by the levying of any rates or assessments to be assessed and levied on real or personal property within the said City; also the Act of twenty-fourth Victoria, chapter fifteen, intituled "An Act to amend the Act to incorporate the town of Charlottetown," be and the same are hereby repealed.

Mendicant Children, where they may be bound apprentices.

VII. Mendicant children may be bound as apprentices to persons resident in any part of this Island, anything in the fifty-fourth section of the Act to incorporate the Town of Charlottetown, notwithstanding: provided always, that in every case where a mendicant child shall be so bound out as an apprentice, the religious persuasion of the person to whom the apprentice shall be so bound shall, whenever practicable, be the same as that of the apprentice.

Old Military Barrack ground to be deemed part of Ward No. One.

VIII. The parcel of land formerly known as the Military Barrack Ground, shall be and be held to be part of Ward Number One, and the owners and occupiers of the Building Lots, sold under and by virtue of the law of the Island for that purpose enacted, shall be entitled to vote for Mayor and Councillors, and shall be liable to be assessed therein in the same way and manner as owners and occupiers of real estate in the same ward.

IX. In case of riot, tumult or disturbance, or illegal Acts of any kind, accompanied with force or violence, or a just apprehension thereof, in the City of Charlottetown, the Mayor or presiding Councillor may, by writing under his hand, appoint any number of special constables, who shall be duly sworn to the faithful discharge of their duties, to assist in preserving peace and order, and such special constables shall be under the direction of the Mayor or presiding Councillor.

In case of riot, &c, special constables how and by whom appointed.

X. The appointment of such special constables shall continue in force for a period of seven days, unless sooner revoked by the Mayor or presiding Councillor.

Their appointment to continue 7 days, unless, &c.,

XI. Any special constable, appointed as aforesaid, who having been duly notified, shall neglect or refuse to be sworn into office, shall be liable to a penalty not exceeding five pounds.

Penalty of £5 for refusing office of special constable.

XII. Any person who shall by force resist any constable or special constable in the execution of his duty, shall be liable to a penalty not exceeding ten pounds, to be recovered on conviction in the Police Court: and on non-payment the offender shall be imprisoned for a period not exceeding sixty days.

Forcible resistance of special Constable punishable with penalty of £10

XIII. The Harbor of Charlottetown, when frozen over, shall be considered as a street of the City of Charlottetown, and the City Council may make such provisions, by by-law, as will prevent nuisances being placed or left thereon, and may also provide for the safety of persons travelling upon the said harbour while so frozen over.

Harbor of Charlottetown, when frozen over to be considered a street.

XIV. The Mayor's Court for the recovery of small debts shall in the next month after the publication hereof, be held on the first Wednesday, instead of the first Friday, in each month.

Mayor's Court to be held on the 1st Wednesday instead of first Friday.

XV. In all cases of non-payment of rates and assessments, duly imposed by by-law of the City Council of the City of Charlottetown, upon the owners of real estate in possession of the same, or where the lands being leased, the owners are not in the actual possession thereof; the same shall and may be, if under ten pounds, recovered at the suit of the city collector, in the Mayor's or Police Court; and if above ten pounds, by action at the suit of the said collector in the Supreme Court; and in every case of non-payment, where the owner is absent from the Island, by action as aforesaid in the Supreme Court, and attachment under the provisions of the Act made and passed in the twentieth year of the reign of His late Majesty King George the Third, intituled "An Act to enable creditors to receive their just debts out of the effects of their absent or absconding debtors."

Rates and assessments above £10, to be recovered by Collector, in Supreme Court, where less than that sum, to be recovered in Mayor's or Police Court.

Rates, &c., due by absent debtors, how recoverable.

## CAP. XXXI.

An Act to Incorporate the Minister and Trustees of St. Andrew's Church, Cardigan, Township Number Fifty-three.

[Passed May 11, 1866.]

Preamble.

**W**HEREAS on the sixteenth day of September, in the year of our Lord one thousand eight hundred and sixty-one, George Alley, of Cardigan, Township Number Fifty-three, did by a certain indenture under his hand and seal, give and grant unto Peter McDonald, John McEachern, Murdoch McPhee and Alexander Sutherland, a certain tract or parcel of land, with the appurtenances, situated 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, 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 sundry inhabitants of the district of Cardigan and its vicinity, have erected a church, on the aforesaid land; and whereas it would prove highly advantageous to the said church that a board of trustees, with a corporate capacity, should be incorporated.

William Alley, the Minister for the time being, and divers others incorporated.

Common Seal, &c.,

May establish and alter and repeal by-laws, &c.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly: That William Alley, Donald Stewart, John Kaneen, Magnus More, John McMillan, George Sutherland, Charles Crawford, having been chosen by the said congregation to act as trustees, shall be and they and their successors in office, 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 St. Andrew's Church, Cardigan," and shall continue in office until the second Tuesday in January, in the year of our Lord one thousand eight hundred and sixty-seven; and they and their successors in office 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 by-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 interest thereof, and for these purposes to appoint their own chairman, treasurer and secretary, and other officers, and three of the members of said corporation shall form a quorum for and in all matters and things to be done and disposed of by the said corporation.

May appoint chairman and other officers.

II. After the passing of this Act, there shall annually be chosen, by such of the congregation of said church qualified to vote as hereinafter mentioned, seven persons whose qualification for office shall be the same as that of electors, as hereinafter mentioned; and such seven persons so chosen or elected, shall be in lieu of the trustees appointed under this Act.

Seven trustees to be chosen annually.

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 said church, and who shall not be in arrear of rent for the same, or who shall have subscribed or 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.

Male persons how qualified to vote.

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-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 said trustees hereafter elected to office, to give notice, under 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 seven persons, qualified as aforesaid, to fill the office of trustees for the ensuing year, the chairman of said meeting, in cases of an equality, having a casting vote; and the names of the persons so elected shall be entered in the books of the secretary or other person having the custody of the same, who shall attend with the said books for that purpose.

First election of trustees, January, 1867.

Subsequent annual election like period.

Notice of meeting how given.

Chairman to have a casting vote.

V. All or any of the trustees in office, at the time of such election, shall be eligible to be re-elected.

Re-election of former trustees.

VI. In the event of a vacancy or vacancies occurring by death, resignation or otherwise, in the board of trustees, as

Vacancy in board of trustees how filled.

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 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.

Omission to elect at proper time how remedied.

VII. If it should happen that no election of trustees shall take place on the second Tuesday of January, in any year as aforementioned, then, and in such a 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 the manner and form as hereinbefore directed with respect to annual elections.

Seal, books, papers, &c., to be handed over to new Trustees.

VIII. The seal of 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.

Letting of pews and collecting of rents.

IX. 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 church lands in any way they may see proper for the interests of the corporation: Provided always, that the 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 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 said congregational meetings.

Secular affairs of congregation to be managed by trustees.

## CAP. XXXII.

An Act to incorporate the Minister and Trustees of Saint Andrew's Church, Brackley Point Road, Township thirty-three.

[Passed May 11, 1866.]

**W**HEREAS on the first day of February, in the year of our Lord one thousand eight hundred and sixty-four, John Kennedy, of Township thirty-three, Brackley Point Road, Prince Edward Island, did, by a certain deed of assignment, under his hand and seal, give and grant unto Joseph Kennedy, the elder, Charles Kennedy, John McMillan, Angus Martin, Alexander Martin, John Mathewson and John Robertson, of the said Township, Trustees of the Presbyterian Church, of Saint Andrew's, Kirk of Scotland, on the Brackley Point Road, a certain tract or parcel of Land, with the appurtenances, situate on said Township thirty-three, 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 of assignment, registered in the office of the Registrar 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 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 effectually 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.

Preamble

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that the said Rev. George W. Stewart, Charles Kennedy, Esquire, John McMillan, Alexander Martin, Thomas Rodd, Esquire, David Miller, John Robertson, and John Stewart Miller, so long as they shall respectively continue members or adherents of the said church, Brackley Point 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 Andrew's Church, Brackley Point Road," and shall continue in office until the first Monday in July, in the year of our Lord one thousand eight hundred and sixty-seven; and

Rev. G. W. Stewart and others incorporated.

Shall have a common seal and may sue and be sued, &c.

May establish by-laws.

Quorum, how formed.

Seven trustees how chosen.

Qualification for office.

Moderator of Kirk session when he is to act.

Qualification to vote.

Annual payment of 20s.

First election of Trustees.

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 in law be 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 into 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 Kirk of Scotland, and as may appear to the said corporation necessary and expedient for the interests thereof, and for these purposes to appoint their own chairman, secretary and treasurer, 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.

II. After the passing of this Act there shall be annually chosen, from and out of the congregation, by such of the congregation of the said church as shall be qualified to vote as herein mentioned, seven 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 or adherents of Saint Andrew's Church, Brackley Point 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 church for the time being, or in case of vacancy, absence or otherwise, by the Moderator of the 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.

III. Every male person of the age of twenty-one years of age, or upwards, who shall hold and pay for one whole pew, or a half pew, in the said church, and who shall not be in arrear of rent for the same, or who 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.

IV. The first election of trustees under this Act shall take place on the first Monday in July, which will be in the year



our Lord one thousand eight hundred and sixty-six; and all future elections shall take place on the first Monday in July 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 the 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 seven 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 the minister or depute, shall be entered into 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.

First Monday in July, annually.

Notice of meeting,

Election by ballot of seven persons.

V. All or any one or more of the trustees in office, at the time of such annual election, shall be eligible to be re-elected.

Re-election of trustees.

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.

Vacancy in Board of trustees, how supplied.

VII. If it should happen that no election of trustees shall take place on the first Monday of July, 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 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 heretofore directed with respect to annual elections.

Default of election, how provided for.

Ten days' notice, when required.

Trustees to take possession of seal, also books and property of corporation.

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 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.

Re-building and repairing church, &c.

IX. The trustees shall be and they are hereby intrusted with the repairing, alteration, building or re-building of the Church or Manse, and shall guard and protect the interests of the congregation, the Kirk yard, and all the real or personal estate held, or to be held, by the corporation.

Real and personal estate to the annual value of £1000 may be held.

X. It shall and may be lawful for 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.

Letting of pews, disposing of church lands, &c.

Proviso.

XI. It shall be the duty of the trustees for the time being, to make all arrangements for the letting of pews and the 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 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 or matters brought before said congregational meetings.

Special meetings after ten days' notice.

## CAP. XXXIII.

## An Act to Incorporate the Summerside Fishing Company.

[Passed May 11, 1866.]

**W**HEREAS John Andrew McDonald, James Muirhead, John LeFurgy, Finlay McNeill, Charles Green, Thomas Crabb, Harry Compton Green, Richard Hunt, together with divers other persons, have associated themselves into a company for the purpose of carrying on the business of a Fishing Company, which said Company, is in the first instance, to have a capital or joint Stock of five thousand pounds, divided into five hundred shares of ten pounds each; and whereas it is expedient that such company should be incorporated:

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that the said John Andrew McDonald, James Muirhead, John LeFurgy, Finlay McNeill, Charles Green, Thomas Crabb, Harry Compton Green, Richard Hunt, and all and every other person or persons, who now or hereafter may, from time to time, be and become proprietors of shares in the said company; their successors and assigns, shall be and they are hereby declared to be a body politic and corporate, by the name and style of the "Summerside Fishing Company," and by that name shall have succession and a common seal, and sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in any court or courts of law or equity, or place whatsoever, and be able and capable in law to have, hold, purchase, lease, possess and enjoy, any houses, lands and tenements whatsoever, in fee simple, leasehold or otherwise, and also ships, vessels, (in accordance with the Acts in force respecting the mode of holding, acquiring and transmitting a title to the same), and any goods or chattels, and to sell, assign, convey and transfer the same; or any part thereof, as may be thought necessary for the benefit of the company; provided always that the said company shall not at any one time possess lands or real estate of greater value than one thousand pounds.

John A. McDonald and several others incorporated.

To have succession and a common seal, and may sue and be sued, &amp;c.

May hold lands, ships and other property, and deal therewith.

Real Estate not beyond the value of £1000

II. It shall be lawful for the said company to construct, acquire, charter, navigate and maintain vessels and boats for the purpose of carrying on the fisheries, or any other trade or business, with power to sell or dispose of the same, or any of them, or grant or consent to bottomry or other bonds on the same, or mortgage the stock of the company, or any part thereof, when and as they may deem necessary, and to make contracts and agreements with any person or corporation whatsoever for the purposes aforesaid, or otherwise for the benefit of the said company.

Company may construct, navigate, buy and sell vessels, &amp;c.

Company may take subscriptions for shares.

No more than ten shares to one shareholder.

III. It shall be lawful for the said John Andrew McDonald, James Muirhead, John Lefurgy, Finlay McNeill, Charles Green, Thomas Crabb, Harry Compton Green, and Richard Hunt, immediately after the passing of this Act, to take subscriptions for shares in the said company; but no person shall be entitled to subscribe for, or take in his own name, more than ten shares altogether.

President and directors, when and how appointed.

IV. When one-fourth of the whole of all the said shares or joint stock of the said company, as herein 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 John Andrew McDonald, James Muirhead, John Lefurgy, Finlay McNeill, Charles Green, Thomas Crabb, Harry Compton Green, and Richard Hunt, or a majority of them, to appoint, by ballot, seven directors of the said company, not holding less than two shares of the capital stock, who shall have power to elect from among themselves a president; and to make by-laws, rules and ordinances, when deemed necessary, for prescribing the duties, powers and authorities of the president, directors and officers of the said company, for regulating the payment, transfer, registration and forfeiture of shares, the time of meetings 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; the same by-laws, rules and ordinances, before becoming of any force or effect, to be submitted to and approved of by any meeting of the shareholders of the said company held under this Act.

Power of making by-laws.

Subjects of by-laws.

By-laws to be approved by meeting of shareholders.

Number of votes to be allowed to each Shareholder.

V. At any general meeting of the said company every proprietor or shareholder, having paid up all calls made upon him, and then due and payable under the by-laws, rules or ordinances of the Company, shall be entitled to vote according to the number of shares held by him, that is to say, the owner of one share shall have one vote; the owner of five shares, two votes, and the owner of ten or a greater number of shares to have three votes, and no more, and may give such vote or votes by his or her proxy, duly constituted in writing according to this Act, or the by-laws, rules and ordinances of the said company, such proxy being himself a shareholder and entitled to vote.

Vote by proxy allowed.

Shares to be deemed personal estate, and to be assignable.

VI. 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; for all intents and purposes whatsoever, and shall be assigned and

transferrable 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 call or assessment, 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 ten pounds, 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 ten pounds shall include all the calls and payments to be made on one share, and that no greater sum than ten pounds in the whole shall be paid on any one share in the said company.

Limited liability of shareholders.

£10 on each share.

VII. 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.

Real and personal property of company to be liable for its debts.

Non-liability of members.

VIII. 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 this Act, or the by-laws of the said company, the directors of the said company shall themselves be held personally liable for the amount so by them incurred.

Proviso.

When to incur personal liability.

IX. The shares subscribed for by any party in said company shall be payable in such manner, by such instalments and calls, at such times and upon such notices as the directors shall appoint, or 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.

Calls on shares, when and how made.

May be sued for.

X. Certificates of stock shall be, from time to time, issued by the directors to the shareholders, for the number of shares

Certificates of stock to be issued.

held or taken by each, and thereupon the rights and liabilities of a stockholder shall immediately attach in respect of such shares.

Shareholders entitled to refusal of shares before sold to others.

XI. The said shares, or any of them, may not be assigned to any person not being a shareholder in the said company without the holder thereof first making offer of them to the board of directors, who, or any other shareholder whom they may name or secure for that purpose, shall be entitled to receive an assignment of the shares so offered, on giving as high a price therefor as can be obtained from any other person; and any person becoming an assignee of any shares in the said company, shall, after signing an acknowledgment of his acceptance thereof, and lodging the same with the directors, be entitled to the rights and subject to the liabilities of a stockholder.

Annual general meeting of shareholders, after 14 days' notice.

XII. There shall be an annual general meeting of the shareholders in every year, of which at least fourteen days' notice shall be given in one or more of the newspapers published in this Island, at such time and place as the directors shall appoint, and such meeting shall be held on the second Tuesday in January in each year, with power to adjourn from time to time, when directors shall be elected by ballot; but no shareholder to be entitled to vote who shall not have paid up all calls made upon him, or who shall be in arrears, to the Company in any way.

Special meetings may be called by ten shareholders.

XIII. Special meetings of the company shall be called by the directors, upon the requisition of ten shareholders, giving fourteen days' notice thereof, published in one of the public newspapers of the Island, stating the purpose for which it is called, at which meeting no other business than that for which the meeting is specially called, shall be entertained; the votes to be taken by ballot as at the annual meeting.

#### C A P. X X X I V .

An Act to Incorporate the Mechanics' Fishing Company of Charlottetown.

[Passed May 11, 1866.]

Preamble

**W**HEREAS John Cairns, John Ross, Neil MacKelvie, Archibald White, Alfred Purchase, together with divers others, have associated themselves into a company for the purpose of carrying on the business of a fishing company, which said company is, in the first instance, to have a capital or

joint stock, of five thousand pounds, divided into shares of ten pounds each; and whereas it is expedient that such company should be incorporated.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that the said John Cairns, John Ross, Neil McKelvie, Archibald White, Alfred Purchase, and all and every other person or persons, who now are, or hereafter may, from time to time, be and become proprietors of shares in the said company, their successors and assigns, shall be and they are hereby declared to be a body politic and corporate, by the name and style of "The Mechanics' Fishing Company of Charlottetown," and by that name shall have succession and a common seal, and sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in any court or courts of law or equity, or place whatsoever, and be able and capable in law to have, hold, purchase, lease, possess and enjoy any houses lands and tenements whatsoever, in fee simple, leasehold or otherwise, and also ships, vessels, (in accordance with the Acts in force respecting the mode of holding, acquiring and transmitting a title to the same), and any goods or chattels, and to sell, assign, convey and transfer the same, or any part thereof, as may be thought necessary for the benefit of the company; provided always, that the said company shall not at any one time possess lands or real estate of greater value than three hundred pounds.

John Cairns and others incorporated.

To have succession and a common seal.

May purchase and hold lands, vessels, &c.,

£300 for real estate.

II. It shall be lawful for the said company to construct acquire, charter, navigate, and maintain vessels and boats for the purpose of carrying on the fisheries, with power to sell or dispose of the same, or any of them, or grant or consent to bottomry or other bonds on the same, or mortgage the stock of the company, or any part thereof, when and as they may deem necessary, and to make contracts and agreements with any person or corporation whatsoever for the purposes aforesaid, or otherwise for the benefit of the said company.

Company may construct and navigate vessels.

May deal with vessels, make contracts, &c.,

III. It shall be lawful for the said John Cairns, John Ross, Neil McKelvie, Archibald White, Alfred Purchase, immediately after the passing of this Act, to take subscriptions for shares in the said company; but no person shall be entitled to subscribe for or take in his own name more than twenty shares altogether.

Company may take subscriptions for shares

20 shares at most to one member.

IV. When one-fourth of the whole of all the said shares or joint stock of the said company, as herein 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 John Cairns, John Ross, Neil McKelvie, Archibald White and Alfred Purchase, or a majority of them, to appoint, by ballot, seven directors, not holding less than five shares of the capital stock of the said company, who shall have power to elect from among themselves a president, and to make by-laws, such by-laws, rules and ordinances, when deemed necessary, for prescribing the duties, powers and authorities of the president, directors and officers of the said company, for regulating the payment, transfer, registration and forfeiture of shares, the time of meetings 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; the same by-laws, rules and ordinances, before becoming of any force or effect, to be submitted to and approved of by any meeting of the shareholders of the said company held under this Act.

Directors how appointed.

By-laws by whom made, and subjects thereof.

When to be approved of by shareholders.

Number of votes allowed to shareholders.

May vote by proxy.

V. At any general meeting of the said company every proprietor or shareholder, having paid up all calls made upon him and then due and payable under the by-laws, rules or ordinances of the company, shall be entitled to vote according to the number of shares held by him, that is to say, the owner of one share shall have one vote, the owner of five shares two votes, the owner of ten shares three votes, and the owner of twenty 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 in writing, according to this Act, or the by-laws, rules and ordinances of the said company, such proxy being himself a shareholder and entitled to vote.

Shares to be deemed personal estate.

Shares to be assignable.

Limited liability of shareholders.

£10 on each share.

VI. 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 for all intents and purposes whatsoever, and shall be assigned and transferrable 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 assessment, 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 ten pounds, on or for each several share subscribed for or held by or stand-



ing in the name of such subscriber or shareholder at the time of ordering any call or assessment; and that the said sum of ten pounds shall include all the calls and payments to be made on one share, and that no greater sum than ten pounds in the whole shall be paid on any one share in the said company.

VII. And be it 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.

Property of Company to be liable for its debts.  
Non liability of members.

VIII. 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 this Act, or the by-laws of the said company, the directors of the said company shall themselves be held personally liable for the amount so by them incurred.

Proviso.

IX. The shares subscribed for by any party in said company shall be payable in such manner, by such instalments and calls, at such times and upon such notices as the directors shall appoint, or 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.

Shares how and when called for and paid.  
Calls may be sued for.

X. Certificates of stock shall be, from time to time, issued by the directors to the shareholders, for the number of shares held or taken by each, and thereupon the rights and liabilities of a stockholder shall immediately attach in respect of such shares.

Certificates of stock, when and how issued

XI. The said shares, or any of them, may not be assigned to any person not being a shareholder in the said company without the holder thereof first making offer of them to the board of directors, who, or any other shareholder whom they may name or secure for that purpose, shall be entitled to receive an assignment of the shares so offered, on giving as high a price therefor as can be obtained from any other person.

Members of Company to have refusal of shares when offered for sale.

Assignee to have rights of shareholders.

son; and any person becoming an assignee of any shares in the said company shall, after signing an acknowledgment of his acceptance thereof, and lodging the same with the directors, be entitled to the rights and subject to the liabilities of a stockholder.

Annual general meeting of shareholders after 14 days' notice.

XII. There shall be an annual general meeting of the shareholders in every year, of which at least fourteen days' notice shall be given in one or more of the newspapers published in this Island, at such time and place as the directors shall appoint, and such meeting shall be held on the first Thursday in January in each year, with power to adjourn from time to time, when directors shall be elected by ballot; but no shareholder to be entitled to vote who shall not have paid up all calls made upon him, or who shall be in arrears to the company in any way.

Ten shareholders may call a special meeting.

XIII. Special meetings of the company shall be called by the directors, upon the requisition of ten shareholders, giving ten days' notice thereof, published in one of the public newspapers of the Island, stating the purpose for which it is called, at which meeting no other business than that for which the meeting is specially called shall be entertained; the votes to be taken by ballot, as at the annual meeting.

### CAP. XXXV.

An Act to incorporate the Charlottetown Woollen Factory Company.

[Passed May 11, 1866.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly:

David Laird and others incorporated.

I. That David Laird, Alexander McMillan, George Henry Lockerby, James Laird, junior, David Munro Fraser, and William Henry Hyde, their associates, successors or assigns, be, and the same are hereby declared to be, a body corporate, by the name of the "Charlottetown Woollen Factory Company," 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 in law and capable to sue and be sued, plead and

May take and hold real and personal estate

May dispose of same.

May sue and be sued, &c.

be impleaded, answer and be answered unto, defend and be defended in any courts of law and equity, or any other places whatsoever, in 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 en sealing 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 shall at all times have full power, authority and license to constitute, make, ordain and establish such by-laws and ordinances as may be thought necessary for the good rule and government of the said corporation; provided that such by-laws and ordinances be not contradictory or repugnant to the laws or statutes of this Island.

May have a common seal to authenticate their proceedings.

May establish by-laws, &c.

Proviso.

II. The capital stock of the said corporation shall consist of ten thousand pounds, divided into one thousand shares of ten pounds each.

£10,000 capital of 1000 shares.

III. The said corporation shall have full power and authority to take, receive, hold, possess and enjoy, in fee simple or otherwise, any lands, tenements, real estate and rents to any amount not exceeding in value the sum of four thousand pounds; and the said corporation shall have full power to sell, lease, mortgage; or otherwise dispose of the said property and estate as it may deem proper.

Lands and real estate held, not to exceed £4000.

May sell, mortgage, &c.

IV. Whenever two hundred and fifty shares of the said capital stock shall have been subscribed, a general meeting of the shareholders of the said company, or the major part of them, shall take place by notice in two newspapers published in Charlottetown, fourteen days previous to such meeting, for the purpose of making, ordaining and establishing such by-laws, rules and regulations for the good management of the affairs of the said corporation as the members thereof shall deem necessary; and also for the purpose of choosing seven directors, being members of the said company, and holding not less than five shares in the capital stock of the said corporation; which directors, so chosen, shall serve until the first annual meeting of the said company, and shall have full power and authority to manage the affairs of the said corporation, and shall commence the operations of the said factory, subject, nevertheless, to the rules and by-laws of the said company, and to the regulations hereinafter made and provided; at which general meeting also the members or share-

First general meeting, when and how convened.

14 days' notice in newspapers.

Seven directors to be chosen, and may commence operations.

Call for instalments to be notified.

holders of the said corporation, or the major part of them, shall determine the amount of the first call or instalment to be paid on each share, of which call due notice shall be given by the directors as hereinafter provided.

Annual general meeting, last Tuesday in January.

V. There shall be a general meeting of the members and stockholders of the said corporation to be annually holden on the last Tuesday in January in each and every year, at Charlottetown; at which annual meeting there shall be chosen, by a majority of the said members and stockholders, 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 members and stockholders 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.

Seven directors to be chosen thereat.

President.

Four directors to constitute a Board.

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 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 or chairman appointed in his absence shall vote at the board as a director; and in case of their being an equal number of votes for or against any question before the board, the president or chairman shall have a casting vote.

Absence or sickness of president provided for.

Officers, clerks, &c., how appointed.

VII. 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 reasonable; 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 other powers for the well regulating the affairs of the said corporation as shall be prescribed by the by-laws and rules of the same.

Expense of buildings, house rent, &c., how defrayed.

Bonds and two sureties to be given by treasurer, &c.

VIII. Every secretary, treasurer, clerk or other officer of the said corporation having charge of money transactions, 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 each member, &c.

IX. The number of votes which each member and stockholder shall be entitled to on every occasion, when in conformity to the provisions of this Act the votes of the same are to

be given, shall be in the following proportion, that is to say: for one share, one vote; for five shares, two votes; for ten shares, three votes; and for twenty, or a greater number of shares, four votes, and no more.

X. All stockholders and members of the said corporation may vote by proxy, provided that such proxy be a member and do produce sufficient authority in writing, according to the by-laws and rules of said company, and that such member do not hold more than three proxies.

Vote by proxy allowed.

XI. The directors may 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 four months, of any of its members; but that in the case of the removal of a director by the members of the said company for misconduct or maladministration, his place shall be filled up by the said members of the said company; and the person so chosen by the directors, or the members of the said company, shall serve until the next succeeding annual meeting of the members and stockholders.

Vacancies of members by death, &c., how filled up.

XII. Before any shareholder shall be required to make payment of any instalment or call upon the amount of his subscription, thirty days' previous notice shall be given by the directors in two of the newspapers published in Charlotte-town, of the time and place of payment.

Thirty days' notice of calls to be given.

XIII. The directors may, whenever they think fit, and they shall, upon a requisition made to them in writing by not less than ten members of the said company, convene an extraordinary general meeting of the members of the said corporation, which requisition shall express the object of the meeting proposed to be called, and shall be left at the office of the company; on the receipt of which the directors shall call the said extraordinary general meeting, by written notice to each shareholder, in not less than ten, nor more than twenty days after the said requisition shall be deposited at the office of the said corporation; and in the event of the directors refusing to call such extraordinary general meeting, the requisitionists shall then have full authority to notify members of the said company, in writing, of said refusal, and to convene an extraordinary general meeting in not less than ten days after such refusal shall be signified to said requisitionists.

Extraordinary general meetings, how to be convened.

Written notice to each shareholder.

XIV. At any extraordinary general meeting of the said corporation, whether called by the directors, or by not less than ten members, as hereinbefore provided, it shall be lawful for the shareholders of the said company, or the major part

Business to be transacted at extraordinary meetings.

Directors may be removed.

of them, to transact any business which may have failed to be transacted at the time appointed for the annual meeting, through the absence of a majority of the shareholders, personally or by proxy, at the said annual meeting, or through neglect to adjourn said annual meeting, or from any other cause whatsoever; and at said extraordinary general meeting it shall also be lawful for the members of the said corporation, or the major part of them, to remove any director and fill up the vacancy so occasioned, or any vacancy otherwise occasioned, and transact any other business, always providing that no action shall be taken in any matter not set forth in the statement of the object or objects for which the said meeting shall have been called.

Shares not to be transferred to strangers, unless first refused by Company.

XV. The shares of the said corporation, or any one of them, may not be transferred or assigned to any person not being a member of the said company, without the owner thereof has made an offer of it or them to the board of directors, which directors, or any other shareholder whom they may name for that purpose, shall be entitled to receive an assignment of said share or shares, on giving as high a price therefor as can be obtained from any other person not a member of the said company; and any person not a member of the said corporation, becoming an assignee or owner of any share or shares in the said corporation, shall, after lodging an acknowledgment from the former owner of the share or shares of his transfer with the directors, shall be entitled to the rights and profits of a shareholder; and the person from whom the transfer was received shall, after the date thereof, cease to exercise any privilege, receive any profit, or be liable to any call which may pertain to the ownership of the share or shares so transferred.

Purchasers to be entitled to the rights and privileges of former holder.

XVI. The joint stock, and the real and personal property of the said corporation, shall be liable for and subject to the payment of all debts contracted by the said company; but nothing in this Act shall be so construed as to render any member or stockholder liable to any debt or debts of or demands against the said corporation, or subject to any call or assessment which may be made by the said company, either at a general meeting or through its board of directors, for a greater amount than the sum unpaid on each and every share which he may hold or possess in the said corporation, that is to say: no member or stockholder shall be liable, on any pretence whatsoever, to pay a greater sum of money in the whole, from the first call or instalment to the last call or instalment and claim, than the sum of ten pounds for each and every share held or possessed by said member or stockholder in the said corporation, at the time of ordering any call or assessment, or the preferment of any claim against the said company.

Property of the company to be liable for its debts.

Liability of its shareholders, how limited.

XVII. The said corporation shall cause to be kept, in one or more books, a register of its members, which shall contain their names, addresses and occupations, if any, a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid on the shares of each member, the date at which the name of any person was entered in the register as a member, and the date at which any person ceased to be a member; and the said corporation shall also, within fourteen days after the time of holding the annual meeting of the said company in each and every year, cause to be entered, in a separate part of the said register, a list of all persons who were members of the company on the last Tuesday of January in the year in which the said list shall be so prepared; which said list shall state the names, addresses and occupations of all the members of the company at said date, and number of shares held by each of said members; and shall contain a summary specifying the number of shares taken from the commencement of the company up to the said date, the total amount of calls made in each share, the total amount of calls received, the total amount of calls unpaid, the total amount of shares forfeited, and the liabilities and assets of the said company at the said date, namely, the last Tuesday of January in the year in which the said summary shall be drawn up; which register, containing said list and summary, shall be kept in the business office of the said company, and shall be open at all reasonable times to the inspection of each and every member of the said company free of charge, and to every other person on the payment of one shilling; and if such inspection be refused, any officer of the company refusing the same, and every director of the company knowingly permitting such refusal, shall, for every such refusal, incur a penalty not exceeding two pounds, to be recovered in the courts of law in this Island as in such cases is made and provided.

Book of registry of members to be kept.

Particulars to be entered therein.

List of persons members on the last Tuesday in January

Inspection of book.

#### CAP. XXXVI.

An Act to incorporate the Grand Lodge of the British Order of Good Templars of Prince Edward Island, and to provide for the incorporation of the County and primary Lodges in connection therewith.

[Passed May 11, 1866.]

WHEREAS certain persons in this Island have associated themselves in a Society for the advancement of the cause of Temperance therein, under the names of the Grand Lodge and County and Primary Lodges of the British Order

Preamble.

of Good Templars of Prince Edward Island, holding warrant and authority under the Supreme Lodge of British North America; and whereas it is found necessary for the better management of the pecuniary affairs of the said order that it should be protected by an Act of incorporation.

George P. Tanton and divers others incorporated under the name of the "Grand Lodge of the British Order of Good Templars."

Have uninterrupted succession and a common seal.

May acquire real and personal property.

Not to exceed in value £2000

Managing members how appointed and revoked.

Security to be taken.

By-laws and rules not to be contrary to Supreme Lodge, &c.

Present and future county lodges may become incorporated.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows: that George P. Tanton, Frederick Strong, James W. Falconer, John B. Schurman, the Reverend William Ryan and Donald Montgomery, members of the said order, and their successors; and such and so many other persons and parties as shall have or shall become members thereof, shall be and are hereby constituted a body politic and corporate by the name of the "Grand Lodge of the British Order of Good Templars 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 and equity whatsoever; and shall have uninterrupted succession and a common seal, which may by them be changed and varied at their pleasure.

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 Lodge, shall at no time exceed in value the sum of two thousand pounds; and it shall be lawful for the said corporation to sell, mortgage, lease, or otherwise dispose of or encumber the said property or estate as they may see fit.

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 which they may deem necessary for the purposes aforesaid, not contrary to the laws, rules and regulations of the Supreme Lodge of the British Order of Good Templars of British North America, nor at variance with the laws of this Island.

IV. Each County Lodge or primary lodge of the British Order of Good Templars, 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 of the said County Lodge, and by the name, number and place of location of the said primary lodge; and that each county Lodge, or primary lodge upon so becoming incorporated, shall have all the powers and privileges conferred upon the said Grand Lodge by the first and second sections of this Act, for the sole purpose of managing their real and personal estate; provided that the real estate to be held by such County Lodge or primary lodge shall in no case exceed the value of one thousand pounds.

Their powers.

Their estate not to exceed in any lodge. £1000.

V. Each County Lodge or Primary Lodge which may be desirous of becoming incorporated shall and may, by a vote of two-thirds of its members 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 county lodge or primary lodge by some member thereof in writing) decide to become so incorporated; and upon a copy of the vote of such decision specifying the name of such county lodge, and the name, number and place of location of such primary lodge, and the names of not less than ten of the members of such county lodge or primary lodge, and its presiding officer and secretary, together with a certificate of the Grand Lodge under its corporate seal, and the signature of its presiding officer and secretary, that such county lodge or primary lodge is in full standing in the order, being filed in the office of Registrar of Deeds and Keeper of Plans of the said Island; the members of such county lodge or primary lodge, whose names may be included in such vote as aforesaid, and their associates and successors, members of such county lodge or primary lodge (as the case may be), 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 name of such county lodge, and by the name, number and place of location of such primary lodge.

Vote of two-thirds of the number of a county lodge to authorize its incorporation.

Two weeks' notice thereof.

Names of ten members, with certificate of Grand Lodge, &c., to be filed with registrar of deeds.

VI. It shall and may be lawful for the trustee or trustees of each county lodge or primary lodge so incorporated, and he or they are hereby empowered, from time to time, by and with the consent of such county lodge or primary lodge 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 county lodge or primary lodge, in real estate or on mortgage, or in public or other stock or funds, or in such other manner as such county lodge or primary 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;

Trustees of county lodge empowered to invest their moneys on real estate or in public funds.

Securities may be altered or sold.

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 county lodge or primary lodge, and signed by the trustee or trustees and presiding officer of such county lodge or primary lodge; and all such investments shall be made and securities taken, and sales and transfers made in the corporate name and capacity of such county lodge or primary lodge.

Sales, &c., to be made in corporate name of county lodge.

Trustees and other officers to give security.

VII. It shall and may be lawful for each county lodge and primary lodge, when so incorporated as aforesaid, 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; and also to demand and receive from any other officers appointed by the said county lodge or primary lodge, such security as they may deem proper for the faithful performance of his or their respective duties; 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 county lodge, or primary lodge, as directed by the said county lodge or primary lodge.

No member of any lodge permitted to transfer his interest, &c.

VIII. No member of the Grand Lodge aforesaid, nor of any county lodge or primary lodge hereafter to become 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 grand lodge, or county or primary lodge, but the same shall at all times be and remain under the control of such grand lodge or county or primary lodge; and no property or stock of any kind, belonging to such grand lodge, or such incorporated county lodge or primary lodge, 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 thereof.

Lodge property not to be subject to private debts.

What property to be liable to debts, &c. of lodges.

IX. The joint property of the said grand lodge, or of each of the county and primary lodges, when incorporated, shall alone be held liable and responsible for the debts and engagements of the said grand lodge, or of the county or primary lodge owning such property.

Appropriation of property after dissolution of county lodges.

X. Upon the dissolution of any county lodge, or primary lodge, hereafter incorporated under this Act, the property held by it at the time of such dissolution, after the payment of the debts and engagements of such county lodge or primary lodge, 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 county lodge or primary lodge shall be made, then all such funds and property which such county lodge or primary lodge may be possessed of at the time of such dissolution, shall be *ipso facto* vested in the Grand Lodge aforesaid, to be by such Grand Lodge applied first to the debts or liabilities of such dissolved county lodge or primary lodge, and the balance, if any, in such manner as the said grand lodge may deem best for the general interests of the order in Prince Edward Island.

A two-third  
vote to decide.

XI. If at any time hereafter any one or more of the county lodges or primary lodges 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 Lodge to enter into and upon, and take possession of the property, both real and personal, of which the said county lodge or primary lodge becoming so involved shall be possessed; and the same and all debts owing to the said county lodge or primary lodge, and all liens and securities therefor, and all the 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 real and personal estates and effects of the said Grand Lodge and their successors and assigns; and upon so entering and taking possession of the said estates and effects of the said county lodge or primary lodge, the said grand lodge, so far as the said property shall extend, shall be and become liable for and subject to all debts and liabilities contracted by such county lodge or primary lodge in its corporate capacity, and shall and may thenceforth, substitute the names or name of such trustee 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 county lodge or primary lodge might otherwise have done, and may give such releases and discharges as might have been given by the said county lodge or primary lodge, and may sell and convey all such property, both real and personal, as the said county lodge or primary lodge was possessed of or 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.

Insolvency of  
county lodges,  
how provided  
for.

Where Grand  
Lodge may enter  
into and  
take possession  
of property.

Where Grand  
Lodge becomes  
liable for debts,  
&c. of county  
lodge, &c.

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

Limitation  
of Act.

PRIVATE AND LOCAL ACTS.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

CAP. V.

An Act to continue certain Acts therein mentioned.

[Passed May 17, 1867.]

Preamble.

**W**HEREAS the several Acts hereinafter mentioned will shortly expire, and it is deemed expedient to continue the same. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:

- 8 Vic. cap. 20. The Act of the eighth Victoria, chapter twenty, intituled "An Act for the regulation of the Mackerel Fishery; the  
14 Vic. cap. 15. Act of the fourteenth Victoria, chapter fifteen, intituled "An Act to incorporate certain persons Trustees of the Princetown Royalty Church," save and except, and in so far as the same is repealed, altered or amended by the Act of the twentieth Victoria, chapter nine, intituled "An Act to continue and amend the Princetown Royalty Church incorporation Act, and to repeal a certain Act therein mentioned;" the Act of  
15 Vic. cap. 33. the fifteenth Victoria, chapter thirty-three, intituled "An Act authorizing the Harbor and Ballast Masters of the various harbors and rivers in this Island to superintend the laying down, erection and maintenance of Buoys and Beacons therein;" the Act of the 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 Squares and Streets of Georgetown," save and except, and in so far as the same is repealed, altered and amended by the Act of the twentieth Victoria, chapter twelve, intituled  
15 Vic. cap. 41. "An Act to continue and amend the Act to prevent Horses,
- save as amended, &c., by 20 Vic. cap. 12.

Swine and Geese from going at large in Georgetown;” the Act of the nineteenth Victoria, chapter fourteen, intituled “An Act to repeal the Act relating to Light and Anchorage Duties, and to make other provisions in lieu thereof;” the Act of the twenty-fifth Victoria, chapter seventeen, intituled “An Act to incorporate the Minister and Trustees of the Presbyterian Church at Bedeque,”—be, and the same are hereby severally continued for ten years from the passing thereof, and from thence until the end of the then next session of the General Assembly of this Island, and no longer.

Also Act of 19  
Vic. cap. 14,

and 25 Vic.  
cap. 17,

continued for  
ten years, &c.  
thence to end,  
&c.

### CAP. IX.

An Act for the incorporation of a Flax Company in Prince Edward Island.

[Passed May 17, 1867.]

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

I. That James Douglas Hazard, Theophilus DesBrisay, Peter Warwick Hyndman, George Davies, William Eddison Dawson, Simon Davies, their associates, successors or assigns, be, and the same are hereby declared to be a body corporate, by the name of the “Prince Edward Island Flax Company;” 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 in law, and capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended; in any Courts of law and equity, or any other places 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 being answered unto; and also, that they shall have one common seal, to serve for the en sealing 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 shall, at all times, have full power, authority and license to constitute, make, ordain and establish such by-laws and ordinances as may be thought necessary for

Names of persons incorporated.

Title of company.

May hold lands &c.

May sue and be sued.

Shall have a common seal.

Power to make by-laws.

the good rule and government of the said corporation: provided that such by-laws and ordinances be not contradictory or repugnant to the laws or statutes of this Island.

Capital stock  
of company to  
consist of 5000/  
Shares 5/ each

II. The capital stock of the said corporation shall consist of five thousand pounds, divided into one thousand shares of five pounds each.

Corporation  
may hold lands  
&c.,

III. The said corporation shall have full power and authority to take, receive, hold, possess and enjoy, in fee simple or otherwise, any lands, tenements, real estate and rents to any amount, not exceeding in value the sum of four thousand pounds; and the said corporation shall have full power to sell, lease, mortgage or otherwise dispose of the said property and estate as it may deem proper.

and mortgage,  
&c.

General meet-  
ing, when and  
how to be cal-  
led, and for  
what purpose.

IV. Whenever forty shares of the said capital stock shall have been subscribed, a general meeting of the shareholders of the said company, or the major part of them, shall take place, by notice in two newspapers published in Charlottetown, fourteen days previous to such meeting, for the purpose of making, ordaining and establishing such by-laws, rules and regulations, for the good management of the affairs of the said corporation, as the members thereof shall deem necessary; and also, for the purpose of choosing seven directors, being members of the said company, and holding not less than three shares each in the capital stock of the said corporation, which directors so chosen shall serve until the first annual meeting of the said company, and shall have full power and authority to manage the affairs of the said corporation; and shall commence the operations of the said factory, subject, nevertheless, to the rules and by-laws of the said company, and to the regulations hereinafter made and provided; at which general meeting also, the members or shareholders of the said corporation, or the major part of them, shall determine the amount of the first call or instalment to be paid on each share, of which call due notice shall be given by the directors, as hereinafter provided.

Number of  
directors.

Duties of di-  
rectors.

General meet-  
ing annually,  
on the first  
Monday in  
January, at  
which direc-  
tors shall be  
chosen.

V. There shall be a general meeting of the members and stockholders of the said corporation, to be annually holden on the first Monday in January in each and every year, at Charlottetown, at which annual meeting there shall be chosen, by a majority of the said members and stockholders, 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 members and stockholders 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.

VI. Not less than five directors shall constitute a Board for the transaction of business; of which the president shall always be one, except in 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 or chairman appointed in his absence shall vote at the board as a director, and in case of their being an equal number of votes for and against any question before the board, the president or chairman shall have a casting vote.

Board for transaction of business to be not less than five members.

President or chairman to have casting vote.

VII. 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 reasonable, 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 other powers for the well regulating the affairs of the said corporation as shall be prescribed by the by-laws and rules of the same. Every secretary, treasurer, clerk, or other officer of the said corporation, having charge of money transactions, before he enters upon the duties of his office, shall give bonds, with two or more securities, to be approved of by the directors, in such sums as the directors shall deem adequate to the trusts respectively reposed in them.

Officers, clerks &c., appointed by directors.

Salaries, rents, &c., defrayed by funds of company.

Officers to give bonds.

VIII. The number of votes which each member and stockholder shall be entitled to on every occasion when, in conformity to the provisions of this Act, the votes of the same are to be given, shall be in the following proportion, that is to say: for one share, one vote; for five shares, two votes; for ten shares, three votes; and for fifteen, or a greater number of shares, four votes, and no more.

Number of votes allowed shareholders.

IX. All stockholders and members of the said corporation may vote by proxy, provided that such proxy be a member, and do produce sufficient authority in writing according to the by-laws and rules of said corporation, and that such member do not hold more than three proxies.

Vote by proxy.

X. The directors may, 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 six months of any of its members; but that in the case of the removal of a director by the members of the said company for misconduct or maladministration, his place shall be filled up by the said members of the said company, and the person so chosen by the directors or the members of the said company, shall serve until the next annual meeting of the members and stockholders.

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

Thirty days' notice to be given before shares called for.

XI. Before any shareholder shall be required to make payment of any instalment or call upon the amount of his subscription, thirty days' previous notice shall be given by the directors in two of the newspapers published in Charlottetown, of the time and place of payment.

Extraordinary general meeting, how convened.

XII. The directors may, whenever they think fit, and they shall, upon a requisition made to them in writing, by not less than ten members of the said company, convene an extraordinary general meeting of the members of the said corporation, which requisition shall express the object of the meeting proposed to be called, and shall be left at the office of the company, on the receipt of which the directors shall call the said extraordinary meeting by written notice to each shareholder, in not less than ten, nor more than twenty days after the said requisition shall be deposited at the office of the said corporation; and, in the event of the directors refusing to call such extraordinary general meeting, the requisitionists shall then have full authority to notify members of the said company, in writing, of said refusal, and to convene an extraordinary general meeting in not less than ten days after such refusal shall be signified to said requisitionists.

If directors refuse to call extraordinary general meeting, how convened.

XIII. At any extraordinary general meeting of the said corporation, whether called by the directors or by not less than ten members, as hereinbefore provided, it shall be lawful for the shareholders of the said company, or the major part of them, to transact any business which may have failed to be transacted at the time appointed for the annual meeting, through the absence of a majority of the shareholders, personally, or by proxy, at the said annual meeting, or through neglect to adjourn said annual meeting, or from any other cause whatsoever; and, at said extraordinary general meeting, it shall also be lawful for the members of the said corporation, or the major part of them, to remove any director, and fill up the vacancy so occasioned, or any vacancy otherwise occasioned, and transact any other business; always providing that no action shall be taken in any matter not set forth in the statement of the object or objects for which the said meeting shall have been called.

What extraordinary meetings may do.

Extraordinary general meeting may remove directors, &c.

Shares not to be sold by holders to persons not being members, without having first been offered to board of directors.

XIV. The shares of the said corporation, or any one of them, may not be transferred or assigned to any person not being a member of the said company, without the owner thereof has made an offer of it or them to the board of directors; which directors, or any other shareholder whom they may name for that purpose, shall be entitled to receive an assignment of said share or shares, on giving as high a price therefor as can be obtained from any other person not a member of the said company; and any person not a member of



of the said corporation becoming an assignee or owner of any share or shares in the said corporation, shall, after lodging an acknowledgment from the former owner of the share or shares of his transfer with the directors, shall be entitled to the rights and profits of a shareholder; and the person from whom the transfer was received, shall after the date thereof, cease to exercise any privilege, receive any profit, or be liable to any call which may pertain to the ownership of the share or shares transferred.

XV. The joint stock and the real and personal property of the said corporation, shall be liable for and subject to the payment of all debts contracted by the said company; but nothing in this Act shall be so construed as to render any member or stockholder liable for any debt or debts of, or demands against the said corporation or subject to any call or assessment which may be made by the said company, either at a general meeting or through its board of directors, for a greater amount than the sum unpaid on each and every share which he may hold or possess in the said corporation, that is to say: no member or stockholder shall be liable, on any pretence whatsoever, to pay a greater sum of money in the whole, from the first call or instalment and claim, than the sum of five pounds for each and every share held or possessed by said member or stockholder in the said corporation, at the time of ordering any call or assessment, or the preferment of any claim against the said company.

Property of company liable to debts of company.

Restricts liabilities of shareholders, &c.

XVI. The said corporation shall cause to be kept in one or more books a register of its members, which shall contain their names, addresses and occupations, if any, a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid on the shares of each member, the date at which the name of any person was entered in the register as a member, and the date at which any person ceased to be a member; and the said corporation shall also, within fourteen days after the time of holding the annual meeting of the said company in each and every year, cause to be entered in a separate part of the said register a list of all the persons who were members of the company on the first Monday in January, in the year in which the said list shall be so prepared, which said list shall state the names, addresses and occupations of all the members of the company at said date, and number of shares held by each of said members, and shall contain a summary specifying the number of shares taken from the commencement of the company up to the said date, the total amount of calls made in each share, the total amount of calls received, the total amount of calls unpaid, the total amount of shares forfeited, and the liabilities and assets

Register of members' names, &c., shall be kept.

How register to be kept.

Where register to be kept.

Register open to inspection of members and other persons.

of the said company at the said date, namely, the first Monday in January, in the year in which the said summary shall be drawn up; which register containing said list and summary shall be kept in the business office of the said company; and shall be open at all reasonable times to the inspection of each and every member of the said company, free of charge, and to every other person on the payment of one shilling; and if such inspection be refused, any officer of the company refusing the same, and every director of the company knowingly permitting such refusal, shall, for every such refusal, incur a penalty not exceeding one pound, to be recovered in the courts of law in this Island; as in such cases is made and provided.

CAP. X.

An Act to incorporate an Hotel Company in Charlottetown.

[Passed May 17, 1867.]

Preamble.

WHEREAS the establishment of an hotel in Charlottetown will prove highly advantageous to the city and the travelling public; and whereas several persons have now associated themselves for the purpose of building an hotel, and have applied for an Act of incorporation for the same: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:—

Names of persons incorporated.

Title of company.

Corporation to have perpetual succession and a common seal.

I. James Colledge Pope, John Ings, James Peake, George Peake, and Thomas Handrahan, 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 Hotel 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.

Corporation may hold lands &c.,

May sell or mortgage, &c.

Corporation may make by-laws.

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: 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.

The company shall not at any one time possess more than £5,000 in value of real estate.

III. That the capital of the said company be divided into shares of ten pounds each share, and such shares shall be assignable and transferrable 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 stock to be divided into £10 shares

Shares assignable and how.

IV. That the several persons who now are, or who 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 times 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, when to pay their subscriptions.

Subscriptions, how recovered.

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 Stock of company alone liable for its debts.

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 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.

Real estate of company may be sold under execution

General annual meeting of company to be held on first Monday in February after the present year.

Special meetings how convened.

Notice of meeting.

VII. That the general annual meeting of the said company, shall be held on the first Monday in February in every year after this present year, at some convenient place in the city 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 in 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.

Number of votes allowed shareholders.

Votes by proxy.

All questions, &c. determined by majority of directors.

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.

First general meeting how convened.

IX. That as soon after the passing of this Act as may be convenient and deemed expedient, the said five persons first named in this Act, or any three of them, shall by public advertisements, 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 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.

Directors and secretary to be elected and president chosen.

Term of office.

Proviso.

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 re-elected, the said shareholders shall proceed to the election of others of the company until the full number of directors be completed; 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; 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.

At annual meeting of company, directors elected by ballot.

No person interested in any contract with company, eligible as director, nor shall, if elected, continue a director.

Vacancies by death, &c., how filled up.

XI. 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.

In case of omission to hold annual general meeting, how to proceed.

XII. 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;

Code of by-laws to be drawn up.

Company may sell further shares.

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.

Directors when and how authorized to borrow money on mortgage.

XIII. 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 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 of company.

Proviso.

XIV. Provided always that nothing herein contained shall be held or construed to give to 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. XIX.

An Act to incorporate the Alberton Masonic Hall Company.

[Passed May 17, 1867.]

Preamble

WHEREAS a Masonic Hall has been erected in Alberton 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.

Names of persons incorporated.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, that Herbert Bell, Arthur Ritchie, Benjamin Rogers, John Dingwell Hubbard, Neil Woodsie and John Archibald Mathewson; 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 "Alberton 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 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.

Corporation to have perpetual succession and a common seal

May hold lands, &c.

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.

Power to make by laws.

III. That the capital of the said company shall be divided into shares of two pounds ten shillings each share, and such shares shall be assignable and transferrable, 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 in shares of £2 10s. 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 times 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 to 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

Joint property of company to

be alone liable for its debts, &c.

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.

Company's lands may be sold under execution.

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 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 or conveyed.

General annual meeting of company to be held on second Tuesday in March.

Special meetings may be summoned.

VII. That the general annual meeting of the said company, shall be held on the second Tuesday in March in every year, at some convenient place in the village of Alberton, 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 five 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 one of the public newspapers, published in this Island; 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.

Number of votes allowed shareholders.

Votes by proxy.

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 three shares to have two votes; the owner of five shares to have three votes; and the owner of ten shares, or a greater number of shares, to have four 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 meet-



ing 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.

Questions, &c., determined by majority of directors.

IX. That so soon after the passing of this Act as may be convenient and deemed expedient, the said six 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 this Island, 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 five directors, who shall immediately thereafter choose from among their number a president and a secretary; and the said officers 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 herein named, to appoint a day by advertisement for first general meeting.

President and directors, how long to continue 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 in the following manner, namely: the shareholders shall first elect two directors out of the five who have served for the preceding year, provided they shall be willing again to accept office, and shall then elect three others from the shareholders of the company, indiscriminately, and if all or any of the retiring directors shall refuse to be re-elected, the said shareholders shall proceed to the election of others of the company until the full number of directors be completed.

Directors, when and how elected.

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 a director before his

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

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.

In case of omission to hold annual general meeting, how to proceed.

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 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.

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 may sell further shares.

Directors authorized to borrow money on mortgage.

XIV. That 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 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.

## C A P. X X.

An Act, to enable George C. Stiles to obtain Letters Patent for the invention of a new and useful Improvement in the construction of Spinning Wheels.

[Passed May 17, 1867.]

**WHEREAS** His Excellency Major General Charles Hastings Doyle, Administrator of the Government of the Province of New Brunswick, did, on or about the fifth day of November, in the year of our Lord one thousand eight hundred and sixty-six, and in the thirtieth year of Her present Majesty's reign, grant unto George C. Stiles, of Salisbury, in the County of Westmorland, in the said Province of New Brunswick, and to one Thomas Trueman Trites, of the same place, at his, the said George C. Stiles's request, Her Majesty's Letters Patent, under the great seal of the said Province, for the invention or discovery, by the said George C. Stiles, of a new and useful improvement in the construction of spinning wheels, called or designated "Stiles's Spinning Jenny," and which said letters patent are still in force in and for the said Province of New Brunswick; and whereas the said George C. Stiles is desirous of obtaining Letters patent for the said invention or improvement for this Island:

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that it shall be lawful for George C. Stiles, of Salisbury, in the County of Westmorland, in the Province of New Brunswick, master builder, 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 of a new and useful improvement in the construction of spinning wheels, which he designates "Stiles's spinning Jenny," 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 letters patent are obtained, he shall be entitled to all rights and privileges by the said recited Act conferred.

Geo. C. Stiles to obtain letters patent for "Spinning Jenny," on complying with provisions of 7th Will. 4th.

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

Letters patent may be obtained by petition of G. C. Stiles to Colonial Secretary, vari-

filed before a Judge of the Supreme Court of New Brunswick.

said George C. Stiles, or his authorized attorney, to deliver into the office of the Colonial Secretary of this Island a petition of the said George C. Stiles for such letters patent, containing therein the solemn declaration of the said George C. Stiles, declaring and setting forth to the effect that he is the true inventor of the discovery or improvement for which he seeks letters patent, and that such invention hath not, to the best of his knowledge or belief, been before known or used in this Island, which petition shall be verified by the oath of the said George C. Stiles, made by him before some one of the Justices of the Supreme Court of the said Province of New Brunswick, and authenticated under the seal of the said Supreme Court, or under the hand and seal of a notary public for the said Province.

To be sworn before such Justice under seal of said court, or verified by notarial seal.

Instead of original description and specification, &c., required by 7th Will. 4th, cap. 21.

III. Instead of the original written description or specification, with the drawings and written references accompanying the same, as required by the sixth section of the said Act of the seventh year of King William the Fourth, chapter twenty-one, to be delivered by the person applying for letters patent into the office of the Secretary of this Island, it shall and may be lawful for the said George C. Stiles, or his authorized agent or attorney, to deliver into the said office a true copy, certified under oath, of the description and specification of the said invention, with the drawings and written references thereunto annexed, and on which the said letters patent were granted by his said Excellency Major General Charles Hastings Doyle, Administrator of the Government of the said Province of New Brunswick, for and on behalf of Her Majesty, as filed in the office of the Provincial Secretary for the said Province, which said certified copy of the said written description or specification, drawings and references, shall have the same force and effect in all respects as if the original had been delivered into said office of the Secretary of this Island.

Copies thereof certified on oath to have same force in obtaining letters patent in this Island.

Patent secured to G. C. Stiles for ten years.

IV. Notwithstanding anything in the said recited Act of the Seventh William the Fourth, chapter twenty-one, to the contrary, the said George C. Stiles 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 send to others to be made and used, his invention or improvement for the period of ten years from the passing of this Act, but no longer.

PRIVATE AND LOCAL ACTS.

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ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XVII.

An Act to amend the Act incorporating the Summerside Bank.

28 Vic. cap. 4.

[Passed April 24, 1868.]

**W**HEREAS by the second section of the Act of the twenty-eighth year of her present Majesty's reign, chapter the twenty-fourth, intituled "An Act to incorporate the Summerside Bank," it is required that one-third part, or five thousand pounds of the capital stock of said bank should be paid in current gold and silver coins of this Island within one year from the passing of the said Act and a further sum of five thousand pounds within two years from the passing of the said Act, and the remaining five thousand pounds within three years from the passing of the said Act: and whereas it is deemed expedient to extend the period for making the last payment of the said capital stock. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly :

Preamble.

That the period for making payment of the last or remaining third part of the said capital stock required by the said Act to be made within three years from the passing of the said recited Act, shall be, and the same is hereby extended until the first day of January one thousand eight hundred and sixty-nine, leaving it, however, nevertheless in the power and option of the said bank, or the president and directors thereof, to call for and require such payment to be made at an earlier period than the said first day of January, one thousand eight hundred and sixty-nine, if they deem it advisable so to do.

Period for payment of last instalment of capital stock of bank, extended until 1st January, 1869, if found necessary.

## CAP. XVIII.

An Act to incorporate the Saint Peter's Bay Agricultural Society.

[Passed April 24, 1868.]

Preamble.

**W**HEREAS James Hogan, Martin MacInnis, James MacKay, Anthony MacCormack, John MacIntyre, Hilary MacIsaac, John Hughes, Peter MacAulay, George Robertson, John R. McKinnon, John Ryan, Norman Mathewson, and others, inhabitants of Saint Peter's Bay, in Prince Edward Island, have, for some time past, constituted a Society for the promotion of Agriculture in Saint Peter's Bay and the vicinity thereof: and whereas it would tend to the encouragement and improvement of agriculture if the said society were incorporated:

Incorporates certain persons as the Saint Peter's Bay Agricultural Society.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that James Hogan, Martin MacInnis, James MacKay, Anthony MacCormack, John MacIntyre, Hilary MacIsaac, John Hughes, Peter MacAulay, George Robertson, John R. MacKinnon, John Ryan, Norman Mathewson, 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 agriculture in Saint Peter's Bay and the vicinity thereof, by the name of the "Saint Peter's Bay Agricultural Society," 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 lands or hereditaments, goods and chattels whatsoever, and to act in all the concerns of the said corporation for the purposes for which it is hereby constituted as aforesaid; and also, that the said corporation shall, in manner hereinafter mentioned, from time to time, and at all times hereafter, have full power and authority to make, constitute, 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 such by-laws, regulations and ordinances be not repugnant to the laws of this Island or the provisions of this Act.

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

II. A general meeting of the subscribers of said society shall be held on the second Wednesday in July next, at or near the residence of Anthony McCormack at the head of Saint Peter's Bay aforesaid, at which meeting there shall be chosen by a majority thereof, a President, Vice President and Committee; such committee to consist of the president, vice president and ten members, and the secretary and treasurer; and the president, vice president and committee, as well as the secretary and treasurer, shall continue in office from that day until the second Wednesday in July in the year one thousand eight hundred and sixty-nine, or until others are chosen in their place, and from and after the said second Wednesday in July, in the year last aforesaid, a general meeting of the subscribers or members of said society, shall be held annually, on the second Wednesday in July in every succeeding year, at the place aforesaid, or at such place as the society shall appoint at a general meeting thereof; and at the general meeting to be held in the year aforesaid, and at every such general meeting to be held annually as aforesaid, the members present thereat, shall elect a president, vice president, committee, and one person to act a secretary and treasurer for the society, who shall continue in office until others are chosen in their stead, at the general meeting of the society, on the second Wednesday in July, as aforesaid.

Time and place of holding first meeting of subscribers, to choose officers.

Subsequent annual meetings to be held on 2d Wednesday in July, &c.

III. No by-law shall be made, altered or repealed except at a general meeting of the society by the votes of at least two-thirds of the members present at such meeting.

No by-laws to be made, &c., except at general meeting, by a two-thirds vote.

## CAP. XIX.

An Act to incorporate the Prince County Agricultural Society.

[Passed April 24, 1868.]

**WHEREAS** James G. Wiggins, George Compton, Albert Craswell, William Taylor, George M. Price, Robert Glover, Thomas W. Schurman, and Stephen MacNeill, office-bearers of Prince County Agricultural Society, have by their petition set forth that they have formed themselves into an association having for its object the improvement and furtherance of agriculture, and have prayed that corporate powers be conferred upon them in order the better to enable them to carry out the laudable objects for which the said society was formed, and whereas it is expedient to grant the prayer of the said petition: **Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, that is to say:**

Preamble.

Incorporates certain persons as the Prince County Agricultural Society.

With power to hold chattels, &c., and make necessary by-laws, &c.

All property held by parties incorporated, to vest in present corporation, &c.

I. The said office-bearers of said society, and their successors in office, are hereby declared to be a body politic and corporate, under the name of the "Prince County Agricultural Society," 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 shall have power, from time to time, to make such by-laws, and regulations for the better government of the said society as shall be required or seem beneficial, and to alter or repeal the same and make others in their stead, provided always that the same be not contrary to the laws of this Island or the provisions of this Act.

II. All and every the estate and property, real or personal, belonging to or hereafter to be acquired by the said society, and all debts, claims, and rights whatsoever due to it, shall be and are hereby vested in the corporation hereby established, and the rules, orders and regulations of said society, so far as the same may not be contrary to the laws of this Island or to this Act, shall be, and continue to be, the rules, orders and regulations of the said corporation, until altered or repealed under the provisions of this Act.

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### CAP. XX.

An Act to incorporate the Minister and Trustees of the Baptist Church, of Long Creek, West River.

[Passed April 24, 1868.]

Preamble.

**W**HEREAS it is desirable, for the efficient management of the temporal affairs of the Baptist congregation of Long Creek, West River, 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 :

Incorporates certain persons and their suc-

I. The Reverend Malcolm Ross, *ex officio*, John Darrach, Hugh MacPhee, Alexander MacNeill, Duncan MacCannell, Malcolm MacNeill, Neil MacLean and Archibald Darrach,



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 Baptist Church of Long Creek, West River, and they 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 lands and funds of 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 interest 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.

cessors by the name of the Minister and Trustees of the Baptist Church of Long Creek, West River,

With power to ordain by-laws &c.

II. When any vacancy in the trustees shall arise by death, resignation or otherwise, then the minister of the said church shall give notice that a congregational meeting 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 of Long Creek, West River, immediately after divine service, on a Sabbath, at least ten days previous to the said meeting, and the choice of said trustee or trustees shall be determined by the vote of the majority of the adherents in the congregation being of the age of twenty-one years, who may be contributing from six shillings and upwards, annually, and not in arrears, and any male adherent in the congregation, being of the age of twenty-one years, and who may be contributing annually, from fifteen shillings and upwards, and not in arrears, shall be eligible to hold office as a trustee.

Vacancy in trustees, how filled up, &c.

Who entitled to vote on such an occasion.

III. The seal of said congregation, and all deeds, books, minutes, vouchers, subscriptions, obligations and 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, pass 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.

Property of congregation, to vest in the trustees under this Act.

IV. It shall and may be lawful for the said corporation to contract for and purchase, or in any lawful mode, whether by

Corporation may acquire

and hold real and personal estate, &c.

demise, bequests, 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, for the benefit of said congregation according to the discretion of said corporate body.

Power of corporation to dispose of property vested in it,

V. 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 they 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 corporate body, and to such extent and proportion as they 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 of the said Baptist Church have, or may hereafter have, in the same.

And execute deeds.

Real estate held by corporation, not to exceed in value £200 per annum.

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 two hundred pounds currency of this Island.

This Act declared to be a public Act.

VII. 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. XXI.

An Act in further addition to and amendment of the Act to incorporate the town of Charlottetown.

Passed April 24, 1868.

Preamble.

**W**HEREAS the Streets, Squares and Sidewalks of the City require—in order to put them in a proper and efficient state of repair—that a considerable outlay of money should be appropriated for that purpose: and whereas, for the ac-

complishment of these necessary and desirable objects, the present revenue of the city is altogether inadequate. For remedy whereof: Be it enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. The City Council of the City of Charlottetown, may, by a By-law duly enacted and assented to, levy an assessment upon the real, freehold or leasehold estate in the said city, which assessment shall not exceed three pence in the pound upon the rental of such real, freehold or leasehold estate, according to the valuation of the same in the Books of the Assessors, which said Assessment shall be in addition to and over and above the sum of one shilling in the pound upon the rental as now levied upon and paid by the occupants of real estate in the said city, and said assessments shall be duly paid by the respective proprietors or occupants after due notice thereof; subject, however, to be appealed from in the way and manner prescribed in the Act of Incorporation, and the By-laws of the said city. Provided always, nevertheless, and it is hereby expressly enacted, that the amount to be raised under the assessment authorised to be imposed by this Act, shall be applied to macadamizing the streets and roads and constructing sidewalks in the streets and roads in the city.

City Council may levy an additional assessment on real, freehold or leasehold estate to the extent of 3d in the pound.

Right of appeal reserved.

Sums raised to be expended in macadamizing streets, &c.

II. The City Council may, by a by-law, or by-laws duly passed and approved of, fix the amount of license duty to be paid by shopkeepers or retailers, tavernkeepers, hotel and boarding and lodging-house keepers, proprietors of public saloons, or other places of entertainment within the city, for the sale of spirituous or distilled liquors in less quantities than two gallons, as well as for the sale of ale, porter, beer, or other liquors in which alcohol forms any part of the ingredients, and in such by-law, or by-laws to prescribe the mode of applying for such licenses, and the rules and regulations under which the places so licensed are to be kept, and prescribe penalties for the infraction of such rules and regulations, and the mode of recovering such penalties.

City Council to fix amount of duty to be paid on sale of spirituous liquors, in less quantities than 2 gallons, and on sale of beer, &c., and regulate places licensed.

III. The City Council shall have power to inflict penalties not exceeding ten pounds, for the sale of liquors, as aforesaid, by persons not licensed.

Penalties for such sale without licence.

IV. The different Acts of the Legislature of this Island regulating the sale by license of spirituous liquors, are—so far as the City of Charlottetown is affected by them—hereby repealed from the time when such by-law or by-laws shall have been passed, assented to and published.

Acts regulating sale of liquors in Charlottetown repealed when by-law hereunder passed, &c.

## CAP. XXII.

An Act to incorporate the Minister and Trustees of the Baptist Church of North River, Lot 32.

[Passed April 24, 1868.]

Preamble.

WHEREAS it is desirable, for the efficient management of the temporal affairs of the Baptist Congregation of North River, Lot thirty-two, 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:

Incorporates certain persons under name of the Minister and Trustees of the Baptist Church of North River, Lot 32.

I. The Reverend Eliakim N. Archibald, *ex officio*, James Warren, Alexander McKinlay, Jacob Dockendorff, John MacKinlay and Francis Bain, 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 Baptist Church of North River, Lot thirty-two," and they 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 lands and funds of 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 interest 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.

With power to make by-laws, &c.

Vacancy among trustees, how to be filled.

II. When any vacancy in the trustees shall arise by death resignation or otherwise, then the minister of said church shall give notice that a congregational meeting 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 of North River, Lot thirty-two, immediately after divine service on a sabbath, at least ten days previous to the said meeting, and the choice of said trustee or trustees shall be determined by the vote of the majority of the adherents in the congregation, being of the age of twenty-one years, who may be contributing from six shillings and upwards, annually, and not in arrears; and any male adherent in the congregation, being of the age

of twenty-one years, and who may be contributing, annually, from fifteen shillings and upwards, and not in arrears, shall be eligible to hold office as a trustee.

Who to be entitled to vote in choice of trustees.

II. The seal of said congregation, and all deeds, books, minutes, vouchers, subscriptions, obligations, and 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, pass 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.

Seal of congregation and all books, &c., to pass to trustees under this Act.

III. It shall and may be lawful for the said corporation to contract for and purchase, or in any lawful mode, whether by demise, 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, for the benefit of said congregation, according to the directions of said corporate body.

Corporation empowered to hold real and personal estate for benefit of congregation.

IV. 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 they 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 corporate body, and to such extent and proportion as they 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 of the said Baptist Church have or may hereafter have in the same.

Power to sell and lease lands, &c., held by corporation.

V. 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 two hundred pounds currency of this Island.

Value of real estate held by corporation not to exceed £200 per annum.

VI. 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.

Act to be deemed a public Act &c.

## CAP. XXIII.

21 Vic. cap. 7. An Act to continue and amend certain Acts therein men-  
 21 Vic. cap. 10. tioned, relating to Summerside.

[Passed April 24, 1868.]

Preamble.

**W**HEREAS the Act of the twenty-first Victoria, chapter seven, intituled "An Act relating to accidents by fire in Summerside, and the removal of nuisances from the streets thereof," and the Act of the twenty-first Victoria, chapter ten, intituled "An Act to prevent the running at large of Swine in Summerside and vicinity," will shortly expire, and it is expedient to continue the same, and also to amend the first hereinbefore recited Act, as hereinafter mentioned. Be it therefore enacted by the Lieutenant Governor, Council and Assembly as follows:

Continues Act  
 21 Vic. cap. 7,  
 and Act 21 Vic.  
 cap. 10, for ten  
 years, &c.

I. The said recited Act of the twenty-first Victoria, chapter seven, (except as the same is hereby amended), and the said recited Act of the twenty-first Victoria, chapter ten, shall be, and the same are hereby severally continued for ten years from the passing hereof, and from thence to the end of the then next session of the General Assembly of this Island, and no longer.

Assessors under  
 21 Vic. cap. 7  
 to assess own-  
 ers, &c. of prop-  
 erty to extent  
 of £150.

II. The assessors appointed under the said first herein recited Act shall have power to assess the inhabitants, owners and occupiers of property in Summerside in a sum not exceeding the sum of one hundred and fifty pounds in any one year.

Tenant, &c., of  
 house, &c., in  
 Summerside,  
 exceeding in  
 annual value  
 £5, to be  
 provided with  
 bucket,  
 ladder, &c.

III. The tenant or occupier of every house, shop, office, or store, in Summerside, 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, hall, or entry of such house, shop, office or store, under the penalty of five shillings for every time the said bucket shall not be found hung up in its proper place when such house, shop, office or store shall be visited by the firewardens in the said first recited Act named, 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.

Chimneys, &c.,  
 in Sum-mer-

VII. All chimneys and flues in any house, shop, store or office, in Summerside, shall be built and constructed in every respect to the satisfaction of the firewardens now or hereafter

to be appointed under the said first herein recited Act, and such firewardens may, if they see fit, order any chimney or flue in the said place to be altered or reconstructed in such manner as they may deem proper; and if any person shall be ordered by the said firewardens to cause any such chimney or flue to be reconstructed or altered, and shall neglect to obey such order for a period of forty-eight hours from the time such order shall be made, such person so offending, shall be subject to a fine or penalty of five shillings for each and every day he shall refuse to comply with such order; which said fine or penalty and any other fine or penalty imposed by this Act, shall be recovered in the way and manner directed by the said first recited Act for the recovery of fines and penalties therein mentioned.

side, to be built, &c., to satisfaction of firewardens.

Fine for offence against this Act.

III. The wardens now appointed, or hereafter to be appointed under the said first herein recited Act, shall and may at any time, and from time to time, after the passing of this Act, have full power and authority to make and pass such by-laws as they may deem necessary for the more effectually carrying out the provisions and intentions of this or the said first recited Act: provided that no such by-law or by-laws shall have any force or effect until approved of by the Lieutenant Governor in Council and recorded in a book to be kept for that purpose by the collector in the said first recited Act mentioned, which said book shall be at all times, within reasonable hours, open to the inspection of any person liable to pay rates in Summerside under the said first therein recited Act.

Wardens under 21 Vic. cap. 7, to make by-laws, &c., for certain purposes,

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IV. The fifth and fourteenth sections of the said first herein recited Act shall be, and the same are hereby repealed.

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V. This Act shall remain and continue in force during the continuance of the said first herein recited Act, and no longer.

Continuance of Act.





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OF THE

## PRIVATE AND LOCAL ACTS.

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