

of advantage under any such judgment or decision; but every such judgment and decision shall be and remain of the like force and effect as if this Act had not been passed.

Having the  
rights of the  
Crown.

II. Nothing in this Act contained shall be deemed or construed to deprive or derogate from, affect or prejudice any right or prerogative of Her Majesty, Her heirs or successors.

*An Act to Regulate the Tenure of the Wesleyan Methodist Church in these Islands.*

[13 December, 1860.]

WHEREAS a branch of the Wesleyan Methodist Society has been established in these Islands professing the doctrine taught by the late Reverend John Wesley, Clerk, sometime Fellow of Lincoln College, in the University of Oxford, and the branch of the said Society planted in these Islands has from time to time acquired by gift or purchase various lands in different parts of these Islands for the purpose of erecting, and has erected therein, Chapels, school houses and residences for Ministers, and has also acquired and now holds, lands for the purpose of burial grounds: and Whereas such lands have from time to time been given or conveyed for the purpose aforesaid by various deeds or instruments to various bodies of Trustees: and Whereas the Ministers and Trustees of the said Wesleyan Methodist Church in these Islands have by Petition represented to the Legislature that it is apprehended, that in some instances by reason of defects in such deeds or instruments or of the original Trustees having died out or ceased to be Trustees without having by any sufficient conveyance transmitted such lands to their successors in the trust, the title thereto have become open to question, and that it is expedient for the interests of the said Church that the present Trustees should be confirmed in the possession of such lands, and should have enlarged powers and greater facilities for using and dealing with such lands, and in those purposes should be incorporated; And Whereas the purposes aforesaid cannot be effected without the aid and authority of the Legislature:

We, therefore, do hereby enact, that

I. In citing this Act in other Acts of the Legislature, and in all legal instruments and proceedings, it shall be sufficient to use the expression "The Wesleyan Methodist Church Act, 1860."

II. The following words and expressions shall have the meaning hereby assigned to them, unless there be something in the subject matter or context repugnant to such construction:

The words "The Wesleyan Methodist Church" mean the congregation in these Islands in connection with the Methodist Church of Canada. The words "The Local Trustees" mean the respective bodies of Trustees in the various Parishes now holding lands in the respective Parishes, for any of the purposes of the said Church in these Islands, whether such Trustees have been duly and formally elected or not and whether such lands are legally vested in them or not, and their successors in the various trusts, the Trustees to be hereafter elected in accordance with the provision of this Act.

III. All lands, hereditaments, and real estate, which have at any time heretofore been lawfully conveyed, devised, granted, or as-

Lands now in trust for the Wesleyan Methodist Church to be deemed lawfully vested in the Trustees...

land, in trust for the purposes of the Wesleyan Methodist Church or Society, in these Islands, and which at the time of the passing of this Act shall be in the actual possession of any persons as Trustees for the use of the said Church or Society, shall, notwithstanding any irregularity in the mode of appointing or electing such persons, or any of them, as Trustees, or the defect or want of proper deeds or assurances for conveying the trusts, or for vesting from time to time such lands, hereditaments, and real estates in the new or succeeding Trustees, or in the present or acting Trustees, or persons acting as such, or any irregularity or defect in any such deeds or assurances, be deemed to be lawfully vested in such present or acting Trustees upon the trusts and for the purposes in or for which such lands, hereditaments, and real estates were originally conveyed, devised, granted, or assured, and such present or acting Trustees shall be deemed to be lawfully possessed of such lands, hereditaments, and real estates, in like manner and to the same extent as if such Trustees had been duly and regularly elected and appointed, and as if the trusts had been from time to time duly and regularly continued, by proper deeds sufficient in law to vest the said lands, hereditaments, and real estates in the new and succeeding Trustees and in the present or acting Trustees, and such lands, hereditaments, and real estates shall continue vested in such Trustees and their successors in the trust duly elected or appointed as bodies Corporate under the provisions of this Act, and with the powers hereinafter contained.

Incorporation of Trustees of Wesleyan Methodist Church

IV. The local Trustees of any Church or Chapel, School House or Minister's residence, or land held in trust for any such purposes or for the purposes of a burial ground, and all persons hereinafter to be elected or appointed to succeed them in the trust shall be a body Corporate with perpetual succession under the style or title of the Wesleyan Trustees of the Parish, and the Local Trustees shall have power under their Corporate name to accept purchase take hold and possess by gifts purchase devise or otherwise for the purposes of the trust attaching to such property all real property in the Parish in or for which they are Trustees vested or which shall be vested in them, but such Trustees shall not be capable of holding real property exceeding in the annual value in either of the Parishes of Pembroke or Saint George one hundred and fifty pounds or in either of the other Parishes eighty pounds, and such Trustees shall have power to let lease and otherwise appropriate such property in accordance with and for the purposes of the trusts attaching thereto, and to accept take hold and possess all personal property which shall be given bequeathed or transferred to them for the purposes of the trusts attaching thereto.

Trustees

Property given for support of the Wesleyan Ministry in these Islands and

V. Any real or personal property or moneys which shall hereafter be or shall be devised or bequeathed for the support of the Ministry or of any Minister of the Wesleyan Methodist Church exceeding the duties of the Ministry in any Circuit in these Islands or other purposes connected with such support, shall vest in the local Trustees and the

shall be payable by them to the recording Steward of the Circuit for the time being for the use of the Minister or Ministers or other purposes to which the same are applicable.

to be paid to the recording Steward of the Circuit

VI. The local Trustees shall have power in their Corporate capacity and name to sell exchange mortgage or otherwise dispose of any real property vested in them freed and absolutely discharged of the trusts attaching thereto, and shall hold and use all real property and all moneys obtained by means of any such sale exchange mortgage or other disposition of any such trust property in trust for the benefit of the Wesleyan Methodist Church, to be applied and appropriated as the local Trustees, with the consent of the resident Minister or Ministers in the Circuit, shall think fit; but no person paying or advancing any moneys to or effecting any exchange with any such Trustees shall be in any way bound or concerned to see to the application of any such moneys or other property paid advanced or transferred to any such Trustees: Provided, that nothing in this Act contained shall be construed to take away or prejudice any right of the Corporation of the Town of Hamilton under or by reason of anything contained in any grant or deed of the said Corporation.

Lands to be sold, or charged or mortgaged in trust

Power of trustee Corporate

VII. Every deed, conveyance, mortgage, lease or other assurance of any real property purporting to be the deed or assurance of any local Trustees, and executed by a majority of the persons sit by the record-book hereinafter mentioned appear to be the local Trustees for the time being, shall be valid sufficient and effectual to convey to the purchaser, mortgagee, lessee, or other person to whom the same shall be made, the property vested in the Trustees and described therein for such estate as shall be thereby limited or declared and freed and absolutely discharged from the trusts attaching thereto, in favour of the Wesleyan Methodist Church or otherwise inconsistent with the absolute use and enjoyment of the estate by such assurance purporting to be conveyed or assured.

Deeds of trustee of Trust to execute

And to be given to any party as charged Trustee

Provided that nothing in this Act shall empower any Trustees to sell charge mortgage devise or otherwise dispose of any lands or grounds or lands which shall have been used for burial purposes.

Power of trustee to sell charge mortgage or otherwise dispose of any land or grounds or lands which shall have been used for burial purposes

VIII. In every case the Local Trustees shall keep a record-book in which shall be duly and at all times entered the appointments or elections of Trustees, and the names of the local Trustees, for the time being; and such books shall in all Courts and for all purposes, (except in any proceedings concerning the validity of the election or appointment of any former trustee), be conclusive evidence of the due appointment of the Trustees and of their title to the trust property.

Local Trustees to keep record book of names of Trustees

But nothing in this Act shall be construed to deprive any person of any land or other real estate or any estate or interest therein to which but for this Act he would be entitled, other than for the purposes of the appointment or election

ties of any Trustee or Trustees, or for want of the trust having been legally continued from time to time by proper deeds and assurances.

Local Trustees may sue and be sued under their Corporate name.

IX. The Local Trustees shall be capable of contracting and suing, and shall be liable to be sued, in their Corporate capacity, and by their Corporate name, in any Court of law or equity, and in any suit action prosecution or proceeding criminal or civil by or against the Trustees it shall be sufficient to describe them by their Corporate name; and no such suit, action, prosecution or proceeding by or against such Trustees shall abate or be affected by reason of any death resignation removal or incapacity of any Trustee or Trustees pending the same.

The members of the Wesleyan Methodist Church in the Islands to be bound by the discipline and rules of the General Conference of the Methodist Church of Canada.

X. The design, discipline, laws, rules and regulations of the General Conference of the Methodist Church of Canada shall be deemed to be binding on the Members or Society for the time being of the Wesleyan Methodist Church in the same manner as if such members had actually contracted and agreed to abide by and observe the same, and shall be capable of being enforced in all Courts of law and equity in relation to any property, in the same manner, and to the same extent, as if such property had been expressly given, created or conveyed upon trust to be held occupied and enjoyed by persons who should observe and keep, and be in all respects bound by the said design, discipline, laws, rules and regulations.

Not this agreement not to affect the doctrine of the Wesleyan Methodist Church.

Provided that nothing in this enactment shall be construed to abate or vary or to sanction the alteration of the doctrines of the Wesleyan Methodist Church or Society for the maintenance and promulgation of which any property has been or shall be conveyed to the local Trustees, or defined or declared by any deed grant devise or assurance under which such property has been or shall be acquired or is held.

The Census Act, 1860.

[11 December, 1850.]

WHEREAS it is expedient to obtain the usual decennial Census of these Islands in the year one thousand eight hundred and eighty-one:

We, therefore, Her Majesty, do hereby enact, that:

I. The Governor and Commander-in-Chief shall be empowered to issue a Commission under the Great Seal of these Islands to three persons authorizing them to obtain a Census of the population of these Islands resident therein on the night of Sunday the third day of April one thousand eight hundred and eighty-one, in the manner hereinafter provided; and if any Commissioner shall resign, quit these Islands or be removed, the Governor may appoint by endorsement on the Commission another person as Commissioner in his place.

II. The Commissioners shall have power to employ a Clerk to assist them in their duties, to examine and abstract the Census returns, to make out the abstracts thereof for the use of the Printer and to superintend the printing thereof.

III. The Commissioners shall divide the Colony into certain Census districts, and shall appoint an Enumerator for each district, and it shall be the duty of the Enumerator to leave one or more Householder's Schedules at every inhabited house in his district (houses and other places of abode belonging to Her Majesty's Naval Establishment and occupied by persons belonging to that Establishment serving on shore and their families, and houses barracks forts and camps belonging to Her Majesty's War Department excepted) during the week immediately preceding the third day of April one thousand eight hundred and eighty-one, and to visit every such house on the Monday or Tuesday following that day to exhibit the said Schedules, and to obtain complete returns and information, with all necessary particulars for taking a complete and accurate Census of the population of these Islands on the night of the third day of April aforesaid.

IV. The Commissioners shall ascertain:

- (1) The number of inhabited and of uninhabited houses in the respective Parishes, distinguishing those built and finished in or before the second day of April 1871 from those built and finished since that date, and those now in course of erection.
- (2) The names and surnames, relation to the head of the family, condition, sex, age, religious profession, rank or occupation, and birth-place of every person who shall be in these Islands on the night herebefore mentioned, and which of such persons are deaf and dumb, blind, imbecile or idiot.