

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1849. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1849.

12 Victoria – Chapter 64

An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in New Brunswick. Passed 14th April 1849.

Whereas a Grand Division and numerous Subordinate Divisions of the Order of the Sons of Temperance have been formed in this Province : And whereas in addition to the moral objects which that association has in view, they are established for the purpose of raising and securing a fund for the mutual assistance and benefit of Members thereof and of their families, in case of sickness, inability or death : And whereas for the purpose of managing their pecuniary affairs and no other, the said Order should be protected by an Act of Incorporation;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Alexander Campbell, Asa Coy, Samuel L. Tilley, James Johnston, George A. Garrison, Richard Seely, Reverend James Porter, John R. Marshall, and their associates, Members of the Grand Division of the Order of the Sons of Temperance of the Province of New Brunswick, and their successors, members of said Grand Division according to the rules and bye laws thereof, be and they are hereby erected into a body corporate by the name of "The Grand Division of the Order of the Sons of Temperance of the Province of New Brunswick," with the powers and privileges made incident to a Corporation by Act of Assembly of this Province for the purpose of managing the pecuniary affairs of said Grand Division.

II. And be it enacted, That the said Grand Division, in their corporate name, shall be capable of acquiring and holding property, real or personal, and the same to sell, convey, control, lease or otherwise manage and dispose of at pleasure; provided that the real estate to be held by the said Grand Division shall at no time exceed in value the sum of one thousand pounds.

III. And be it enacted, That the said Grand Division shall have power to appoint any of their present officers or such other members or officers for the management of their funds and property as they may deem expedient, to prescribe their duties, and to require such security as they may from time to time deem proper from said officers, or any of them, for the faithful performance of their respective duties, and may remove them or any of them at pleasure, and may make, ordain and put in execution such bye laws and rules as they may deem necessary for the purposes aforesaid, not inconsistent with the, Laws of this Province.

IV. And be it enacted, That each Subordinate Division now instituted or which may hereafter become instituted within this Province, may in the manner hereinafter specified, be and become a body corporate, by the name, number and place of location, by which it is or may be designated in the Order; and that each Subordinate Division, upon so becoming incorporate, shall have all the powers and privileges made incident to a Corporation by Act of Assembly aforesaid, for the sole purpose of managing their funds and property; provided that the real estate to be held by each

incorporated Subordinate Division shall at no time exceed in value the sum of five hundred pounds.

V. And be it enacted, That each Subordinate Division 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 Division by some member thereof in writing,) decide to become so incorporated; and that upon a copy of the vote of such decision, specifying also the name, number and place of location of such Subordinate Division, and the names of not less than ten of the Members of such Subordinate Division, under the seal of such Subordinate Division and the signature of its Recording Scribe and presiding Officer, together with a Certificate of the Grand Division, under its corporate seal and the signature of its presiding Officer, and Scribe, that such Subordinate Division is in full standing in the Order, being filed in the Office of the Secretary of the Province, the members of such Subordinate Division, whose names may be included in such vote as aforesaid, and their associates and successors, members of such Subordinate Division, shall be and become from the time of filing such Certificate as aforesaid, with the Secretary as aforesaid, a body corporate as aforesaid, for the purposes aforesaid, by the style or name, number and place of location of such Subordinate Division.

VI. And be it enacted, That it shall and may be lawful for the Treasurer of each Subordinate Division so incorporated, and he is hereby empowered from time to time by and with the consent of such Subordinate Division to be testified; in such manner as may be directed by their bye 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 such Subordinate Division, in real estate, or on mortgage or in public or other stock or funds, or in such other manner as such Subordinate Division may deem best, and from time to time with the like consent, to alter, sell and transfer such securities, real estate or funds respectively, and otherwise re-invest or dispose of the same; and that the Certificate, Bill of Sale, Deed or other Instruments of transfer, sale or discharge of such, estate or funds or security shall be made under the seals of such Subordinate Division, and signed by the Treasurer and presiding Officer of such Subordinate Division; and that all such investments shall be made and securities taken, and sales and transfers made in the corporate name and capacity of such Subordinate Division.

VII. And be it enacted, That it shall and may be lawful for each Subordinate Division so incorporated, when so incorporated, to receive from the Treasurer thereof from time to time in their corporate name sufficient security by bond, with one or more surety or sureties or otherwise as such Subordinate Division may deem expedient, for the faithful performance of his duty as such, and that he will well and truly account for and pay and invest from time to time all such sum or sums of money, funds or other property as may come to his hands or under his control, belonging to said Subordinate Division, as directed by said Subordinate Division.

VIII. And be it enacted, That no member of any Subordinate Division so incorporated shall have any power to assign or transfer to any person or persons whomsoever any interest which he may have to or in the funds or property of such Subordinate Division; but the same shall at all times be

and remain under the control of such Subordinate Division; and that no property or stock of any kind belonging to such incorporated Subordinate Division shall be subject to the payment of the private debts of any of its members, nor be liable to be taken in execution by any judgment creditor against any individual member or members of such Subordinate Division.

IX. And be it enacted, That the property of each of said Subordinate Divisions when incorporated, shall alone become responsible for the debts and engagements of the Subordinate Division owning such property.

X. And be it enacted, That upon the dissolution of any Subordinate Division so incorporated, the property held by it at the time of said dissolution, after the payment of the debts and engagements of such Subordinate Division shall be disposed of, sold or conveyed in such manner as the members present at any regular meeting, when said dissolution shall have been determined upon by a two third vote, may direct; and in case no disposition of the funds and property of such Subordinate Division shall be made, then all such funds and property as such Subordinate Division may be possessed of at the time of such dissolution shall be ipso facto vested in the Grand Division aforesaid, to be by such Grand Division applied, first to the payment of any debts or liabilities of such dissolved Subordinate Division, and the balance (if any) in such manner as said Grand Division may deem best for the general interests of the Order in this Province. And be it enacted, That this Act shall continue and be in force for the period of seven years from the time of the passing thereof.