



Charlottetown, Prince Edward Island, May 10, 1865.

JOHN INGS, QUEEN'S PRINTER.

VOL. IV.—No. 314

LAWS OF PRINCE EDWARD ISLAND.

CAP. VI.

An Act in amendment of the Law and the better advancement of Justice.

[Passed April 3, 1865.]

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

I. The first process in every action to be brought against any corporation, in the Supreme Court, shall be by writ of Summons, according to the form or to the effect following, that is to say:—

“VICTORIA (L.S.) To the Sheriff of County, Greeting:

“We command you that you summon (here insert the name of Corporation) that they be before, &c., to answer *A. B.*, of a plea (&c. as the case may be,) and have then there this writ.

Witness, &c.”

II. And every such Writ of Summons, may be served on the Mayor, President or other head officer, or on the Secretary, Clerk, Treasurer or Cashier of such Corporation, or of any Body Politic, or Corporate, not being established or incorporated within this Island, and which may enter into contract or engagement, or transact any business therein, by their known or accredited agent or officer, every such writ or summons may be served on such accredited agent or officer, or on the person who at the time of such service may be the accredited agent or officer of such corporation, or body politic, or corporate, within this Island; and such service shall have the like effect, in every respect, as the service of such summons on the officers of any corporation, as is hereinbefore provided.

III. If any corporation should not cause an appearance to be entered, at the return of such writ

or summons, or within twenty days after such return, in every such case, it shall and may be lawful for the plaintiff in the action, upon affidavit being made and filed in the Supreme Court, of the due service of such writ, to enter an appearance for such corporation, and to proceed thereupon in like manner, as in personal actions against individuals.

IV. In every action brought by any executor or administrator, in right of the testator or intestate, such executor or administrator, shall, unless the Court in which such action is brought shall otherwise order, be liable to pay costs to the defendant, in case of being non-suited, or a verdict passing against the plaintiff; and in all other cases in which he would be liable, if such plaintiff were suing in his own right, upon a cause of action accruing to himself; and the defendant shall have judgment for such costs, and they shall be recovered in like manner.

V. Upon all debts or sums certain, payable at a certain time, or otherwise, except where the same accrue for rent of houses, or land, or upon special contracts, the jury on the trial of any issue, or on any inquisition of damages, or the Court or Judge upon any assessment of damages, may, if they shall think fit, allow interest to the creditor, at a rate not exceeding the current rate of interest, from the time when such debts or sums certain were payable; if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise, then from the time when demanded of payment shall have been made in writing, so as such demand shall give notice to the debtor, that interest will be claimed from the date of such demand, until the time of payment, provided that interest shall be payable in all cases in which it is now payable by law.

VI. The jury on the trial of any issue, or on any inquisition of damages, may, if they shall think fit,