

proceeding shall abate, discontinue, or be rendered ineffectual by reason of the death, removal, or resignation of such secretary, but that the secretary for the time being shall always be and be deemed to be the plaintiff, defendant, or prosecutor in any such action or proceeding as the case may be; and, in like manner, the said association may be sued by and in the name of the secretary aforesaid.

XLIII. The directors are empowered and required forthwith to frame and establish all necessary by-laws, rules, or regulations as shall be necessary for the conduct of the said association and the management thereof, and as shall not be contrary to this Act or any other law: Provided, however, that all such by-laws, rules, and regulations shall be laid before the next ensuing general meeting of the members for their confirmation, disallowance, or amendment; and in the event of such by-laws, rules, and regulations being confirmed, with or without amendment, the same shall continue in force until they shall be repealed or amended by any subsequent general meeting, of which meeting and the object thereof not less than fourteen days' previous notice shall be given to the several members, which notice the said directors may give, when and as often as they shall think fit, and which notice the said directors shall be bound to give, when and as often as any three members shall, in writing, inform the secretary to the association of their intention to move, at the next general meeting competent to entertain the question, that such by-laws, rules, and regulations, or any of them, which such members specify, shall be repealed or amended: And as often as any such meeting shall repeal or amend any by-law, rule, or regulation, the same shall be repealed or amended accordingly. And all such by-laws, rules, and regulations which shall in way relate to the public business of the association or to the charges to be made in respect thereof shall, within three weeks after the same shall have been passed or amended, be published in the *Government Gazette* of this colony, and, when so published, shall have the same force and effect as if therein inserted.

XLIV. The association hereby incorporated shall have a common seal for the use of the said association in transacting the business thereof, which seal shall be under the care and custody of the directors.

XLV. The association hereby incorporated shall continue to exist so long as there shall remain so many as thirty members; but it shall and may be lawful for the whole of the members at any time, by their unanimous vote at a general meeting duly held, and whereof one month's notice shall have been given by the directors to the several members residing within the colony, to declare that the said association shall be dissolved, whereupon the same shall be dissolved accordingly, in such manner that the said association shall not afterwards enter upon the administration of any estate or property; or, should the members be at any time reduced to twenty-nine or less, and three months thereafter elapse without the election of any new member, so as to compose thirty members at the least, the said association shall be deemed to be in like manner dissolved: Provided nevertheless in either event the members of the association at such time being shall continue to administer such estates as they shall have previously entered upon until the same shall be finally settled; and provided that the capital stock of the said association shall remain vested in the directors then being or thereafter to be elected by the members until such estates and property shall be finally administered and settled.

XLVI. In the construction of this Act, as often as months are mentioned, the same shall mean calendar months: and when a notice of a certain number of days is mentioned, the same shall mean clear days. and unless there be something in the subject or context repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and the masculine gender shall include females as males.

XLVII. This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Magistrates, and others without being specially pleaded.

XLVIII. This Act shall commence and take effect from and after the fifteenth day of April, one thousand eight hundred and seventy-six, and shall continue in force for the term or period of twenty-one years thereafter.

Enclosure 2.

AN ACT for the Regulation of the Affairs of the Board of Executors. (No. 17, 1859.)

(Published in the *Government Gazette* of 12th July, 1859.)

WHEREAS certain persons did, by a deed bearing date at Cape Town, in this Colony of the Cape of Good Hope, the twenty-second day of August, one thousand eight hundred and thirty-eight, enter into a contract of copartnership for the purpose of administering such property and estates as they might lawfully be appointed to, as executors, administrators, tutors, or curators; and whereas a certain ordinance was duly made and passed in the said colony (No. 8, 1839), and entitled "Ordinance for enabling the Board of Executors to sue and be sued in the name of their Secretary;" and whereas the joint stock or capital sum of ten thousand pounds sterling, mentioned in the preamble of the said ordinance, divided into fifty shares at the time of passing the said ordinance, was vested in the directors of the said Board of Executors, to serve as an available fund to satisfy any claim or demand which any persons might have upon the copartnership, has since been annually increased according to the provisions in the said deed contained, and now amounts to the sum of sixteen thousand five hundred pounds, and the number of shares has in accordance with the said provisions been increased to sixty: And whereas the said ordinance will expire on the first day of May, one thousand eight hundred and sixty: And whereas the following are the persons who now constitute the shareholders of the said Board, that is to say: . . . And whereas the said shareholders did, at a meeting duly held upon the twenty-eighth day of March last past, resolve that the said deed should become void on the first day of October, one thousand eight hundred and