



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

LUCY MAUD MONTGOMERY FOUNDATION ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to May 6, 2022. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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LUCY MAUD MONTGOMERY FOUNDATION ACT

CHAPTER L-18

WHEREAS the Government is the owner in fee simple of certain lands and buildings in New London, Queens County, Prince Edward Island, being the birthplace of the late Lucy Maud Montgomery, famed Prince Edward Island novelist;

AND WHEREAS it is desirable to provide for the administration, management and maintenance of the said lands and buildings to perpetuate and to preserve her memory, times and works;

1. Definitions

In this Act

- (a) “**board**” means the board composed of the members of the Foundation;
- (b) “**buildings**” means the land and buildings at the site of the birthplace of Lucy Maud Montgomery in New London in Queens County, Prince Edward Island;
- (c) “**chairman**” means the chairman of the board of the Foundation;
- (d) “**Foundation**” means the Lucy Maud Montgomery Foundation established by this Act. *R.S.P.E.I. 1974, Cap. L-22, s.2.*

2. Incorporation

A corporation is hereby established, to be known as the Lucy Maud Montgomery Foundation, consisting of a chairman and at least four other members of the board to be appointed in the manner set out in section 3. *R.S.P.E.I. 1974, Cap. L-22, s.3.*

3. Appointment of chairman, etc.

- (1) The chairman and at least four other members of the board shall be appointed by the Lieutenant Governor in Council from persons ordinarily resident in the province.

Terms of office

- (2) Each of the members of the board shall be appointed for a term of five years, except that a member may be appointed to fill the remainder of a term when a vacancy occurs.

Eligibility of members

- (3) No person who
 - (a) is or becomes a member of the Legislative Assembly of Prince Edward Island;
 - (b) is or becomes an employee of the Foundation;
 - (c) has resigned his appointment by notice in writing delivered to the chairman; or
 - (d) has become incapable of acting as a member of the board,is eligible to be appointed or to remain a member of the board, as the case may be.

Conclusive evidence of ineligibility

- (4) If a member dies or becomes ineligible to remain a member of the board a declaration entered upon the minutes of the board of the existence of a vacancy resulting from the death of a member or from his becoming ineligible to remain a member of the board shall be conclusive evidence of the ineligibility and of the vacancy and notice of any vacancy shall as soon as practicable be given by the board to the Lieutenant Governor in Council.

Effect of vacancy in office

- (5) A vacancy in the office of the chairman, or any of the other members of the board, does not impair the right of the remainder to act, but where any such vacancy occurs it shall be filled as soon as practicable in the manner provided in this section. *R.S.P.E.I. 1974, Cap. L-22, s.4.*

4. Board may appoint employees

The board may appoint such employees as are necessary for the proper conduct of its activities and, notwithstanding the provisions of any other Act, the control and appointment of all such persons shall be vested exclusively in the board. *R.S.P.E.I. 1974, Cap. L-22, s.5.*

5. Salary of employees

- (1) All employees appointed pursuant to section 4 may be paid such salary or other amount by way of remuneration as is fixed by the board.

Expenses of members of board

- (2) The chairman and the other members of the board may be paid reasonable travelling and living expenses incurred by them while absent from their ordinary place of residence in the course of their duties, but otherwise shall not be entitled or permitted to receive any remuneration or payment from the Foundation. *R.S.P.E.I. 1974, Cap. L-22, s.6.*

6. Objects of Foundation

The objects of the Foundation are to use, administer, manage and maintain the buildings, to preserve and perpetuate the memory of Lucy Maud Montgomery, her times and works, and, in particular, but without limiting the generality of the foregoing, the Foundation may

- (a) acquire, hold, manage and dispose of any real or personal property;
- (b) enter into agreements with any person which it may consider necessary or advisable in furtherance of its objects and execute such agreements, deeds and other instruments therefor;
- (c) promote, assist in and do all matters, things and duties that will commemorate the life, times and work of the late Lucy Maud Montgomery and otherwise as the board may consider necessary or expedient in the operation and maintenance of the buildings as a memorial to her. *R.S.P.E.I. 1974, Cap. L-22, s.7.*

7. Board may make bylaws

- (1) The board may make bylaws regulating its procedure and proceedings and generally for the conduct and management of the activities of the Foundation, including the appointment of the advisory committees.

Meetings of board

- (2) The board shall meet at least once a year at the birthplace of Lucy Maud Montgomery on such day as the board may fix and at such other times and places as the board considers necessary.

Meetings of executive committee

- (3) The executive committee of the board shall meet at such times and places as it considers necessary and shall have such powers and duties as the board may by bylaw fix and determine. *R.S.P.E.I. 1974, Cap. L-22, s.8.*

8. Financial year

- (1) The financial year of the Foundation shall be the year that begins on April 1 of one year and ends on March 31 of the year next following.

Investments by Foundation

- (2) The Foundation may invest in any of the following:
- (a) securities issued by Canada or any province thereof;
 - (b) securities guaranteed by Canada or any province thereof; and
 - (c) securities that may from time to time be approved by the Lieutenant Governor in Council.

Foundation may hold securities donated

- (3) Notwithstanding that it may not be specified or approved under subsection (2), the Foundation may hold any security donated to it or may purchase any security in order to carry out the terms of any trust and the Foundation is not obligated to sell or to convert such securities.

Borrowing by Foundation

- (4) With the approval of the Lieutenant Governor in Council, the Foundation may borrow for any purposes and, where such borrowing is authorized may issue securities to evidence the borrowing as may be approved by the Lieutenant Governor in Council. *R.S.P.E.I. 1974, Cap. L-22, s.9.*

9. Receipt of moneys, etc. by Foundation

The Foundation may receive money, securities or other property by gift, bequest or otherwise and may, in its sole discretion, expend, administer or dispose of any such money, securities or other property, real or personal, subject to the terms, if any, upon which such money, securities or other property was given, bequeathed or otherwise made available to the Foundation. *R.S.P.E.I. 1974, Cap. L-22, s.10.*

10. Vesting of property in Foundation

- (1) The site of the birthplace of Lucy Maud Montgomery, as described in the Schedule hereto, and the buildings thereon, and all other real property acquired or received by the Foundation is hereby vested in the Foundation.

Restriction on selling and mortgaging of properties

- (2) Except as provided in subsection (3) the Foundation is not empowered to sell, mortgage, lease or encumber in any way the property vested in it pursuant to subsection (1) and any agreement of purchase and sale, mortgage, lease or encumbrance of the property is void.

Approval for

- (3) Any real property belonging to the Foundation may, with the approval of the Lieutenant Governor in Council, be sold, mortgaged, leased or otherwise encumbered by the Foundation.

Tax exemptions

- (4) All real property owned by or vested in the Foundation shall be deemed, for the purpose of any provincial, municipal or local taxes or for the purpose of any expropriation or other proceedings relating to such real property, to be property belonging to the province. *R.S.P.E.I. 1974, Cap. L-22, s.11.*

11. Audit of accounts

Repealed by *2011, c.38, s.1. R.S.P.E.I. 1974, Cap. L-22, s.12; 1980, c.10, s.21; 2011, c.38, s.1.*

12. Report of affairs

The chairman of the board shall, as soon as possible, but within three months after the termination of each financial year of the Foundation, submit to the Lieutenant Governor in Council, and to the Legislative Assembly if the Legislative Assembly is in session, or within fifteen days from the commencement of the next session of the Legislative Assembly, an annual report of the affairs of the Foundation, and shall append thereto statements of account which shall include

- (a) a balance sheet, a statement of revenue and expenditure and a statement of surplus; and
- (b) such other information as the Lieutenant Governor in Council may require. *R.S.P.E.I. 1974, Cap. L-22, s.13.*

13. Powers and duties determined by board

If any question arises as to the powers and duties of the board or its officers and employees the same shall be determined and settled by the board and the board's decision shall be final. *R.S.P.E.I. 1974, Cap. L-22, s.14.*

14. Consent of Attorney General required for action against board or employees

No action shall be brought against the Foundation, against the board, against any committee or member of the board, or any employee of the Foundation, on account of anything done or omitted by it or him in the execution of the powers and duties conferred by this Act unless the written consent of the Minister of Justice and Public Safety and Attorney General to the bringing of the action is obtained. *R.S.P.E.I. 1974, Cap. L-22, s.15; 1993, c.29, s.4; 1997, c.20, s.3; 2000, c.5, s.3; 2010, c.14, s.3; 2012, c.17, s.2; 2015, c.28, s.3.*

SCHEDULE*

ALL that parcel of land situated lying and being on Lot or Township No. 21 in Queens County in Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING at a point on the east side of the Graham's Road extension, said point being the northwest angle of certain lands recently purchased by the Grantor from Harlan P. Found and Janet Found, and likewise being the southwest angle of lands now or formerly in the possession of John Currie, thence at right angles in an easterly direction along the southern boundary of same for a distance of fifty (50) feet to a point, thence southwardly and parallel to said Graham's Road extension for a distance of sixty-six (66) feet, thence westwardly and parallel to said southern boundary of lands aforementioned now or formerly in the possession of John Currie for a distance of fifty (50) feet, or to the eastern side of said Graham's Road extension, and thence northwardly along the east side of same a distance of sixty-six (66) feet or to the point at the place of commencement.

*{Note: The Schedule is prescribed in subsection 10(1).}