

XI. And be it enacted, That the said Company shall have power to levy and collect upon the Shares from time to time such sum or sums of money as shall be judged by such Corporation necessary for the payment of any debts of the said Corporation, and for the purchase of such real and personal property, and the erecting, building, making, setting up, and procuring such buildings, dams, sluices, mills, boats, machinery, and other things as may be deemed necessary and requisite for carrying on the business of the said Corporation; and whenever any assessment shall be made by the Stockholders of the said Company, it shall be the duty of the Secretary or Agent thereof to give notice of such assessment in some Newspaper printed in the said County of Charlotte, requiring payment of the same within thirty days, and if any Stockholder shall neglect or refuse to pay to the Secretary or Agent the amount of such assessment upon his Shares, at the time prescribed, it shall be the duty of the Secretary or Agent to advertise all such delinquent Shares for sale at Public Auction, giving at least thirty days notice of the time and place of such sale; and all Shares upon which the assessment is not then paid, with interest from the time when such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment, and interest due on the same, and the expense of advertising and selling the residue (if any) shall be paid over to the former owner, and a new Certificate or Certificates of the Shares so sold be made out and delivered to the purchaser or purchasers: Provided always, that such assessment or assessments shall not in the whole exceed the amount of the Capital Stock appointed by this Act, or the Capital Stock to be increased as hereinbefore directed; and also provided that no assessment shall be made, except by a vote of the Stockholders and a majority of all the Shares.

Company may assess the Shares when necessary.

Delinquent Shares may be sold.

No assessment to be made except on vote of the Stockholders, and not to exceed the aggregate Capital.

XII. And be it enacted, That special meetings of the said Company may be called by the Secretary or Agent, under the authority of the Directors, or of the Stockholders representing not less than two hundred Shares of Stock, thirty days notice at least of the time and place of such meeting being given in some Newspaper published in the said County of Charlotte, or by personal notice, or by notice in writing by mail as aforesaid.

Special Meetings of the Stockholders may be called on notice.

XIII. Provided always, and be it enacted, That unless twenty five per centum of the said Capital Stock shall be paid in for the purpose of this Corporation, and a Certificate of such payment signed and verified on oath by the Directors, or a majority of them, before any Justice of the Peace, shall be filed in the Office of the Secretary of the Province before the expiration of two years next after the passing of this Act, the operation of this Act shall cease, and the existence of this Corporation be terminated at the end of the said two years.

Act to be void if 25 per cent. on Capital be not paid in within two years.

CAP. LV.

An Act to incorporate the Nashwaak Boom Company.

Passed 27th March 1845.

WHEREAS the erection of a Boom or Booms at or near the mouth of the Nashwaak River, in the County of York, will be a great benefit to persons engaged in the Lumber business, by enabling them to secure Timber, Logs and other Lumber floating down the said River Nashwaak, at a moderate expense: And whereas it is deemed expedient to incorporate a Company for that purpose;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That William J. Bedell, Charles Macpherson, George L. Hatheway, John

Company incorporated.

John MacBean, Archibald M'Lean, and their Associates, Successors, and Assigns, be and they are hereby declared to be a body Corporate, by the name of 'The Nashwaak Boom Company,' and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Boom or Booms and any other works on the shore connected therewith, at or near the mouth of the Nashwaak aforesaid, for the more convenient collecting, picking up, securing and rafting Timber, Logs and other Lumber floating down the said River Nashwaak, and for carrying on and managing the same.

Capital to be £500.

II. And be it enacted, That the Capital Stock of the said Corporation shall be five hundred pounds current money of New Brunswick, and shall be divided into fifty Shares of ten pounds each.

First meeting for organizing the Company.

III. And be it enacted, That the first meeting of the Corporation shall be called by William J. Bedell, Esquire, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in a Newspaper published in Fredericton, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

Subscribers to Stock to make a deposit previous to the election of Directors.

IV. And be it enacted, That the Subscribers for Stock in the said Corporation shall, previous to the first meeting of the said Corporation, pay into the hands of such person or persons as the persons incorporated by the first section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors, shall appoint, such a deposit or instalment on the Capital Stock of the said Corporation they subscribe for, as the said persons incorporated, or the major part of them as aforesaid, may appoint and determine, due notice being given at the time of the notice calling the first meeting of the Members and Stockholders of the Corporation, of the time or several periods of time when, and of the place and places where, and person or persons to whom the said instalment or deposit shall be paid; and the said instalment or deposit shall be taken and allowed to every Subscriber who shall pay it, as part of the Capital Stock required to be paid in under and by virtue of this Act, and every Subscriber who shall neglect or refuse to pay in the said deposit or instalment shall be deemed a defaulter, and no Subscriber shall, upon any pretence whatsoever, vote at the first meeting for the choice of Directors upon any Share or Shares, unless he has paid the said deposit or instalment.

Boom not to obstruct the navigation.

V. And be it enacted, That the Booms shall be so constructed as to admit the passage of Rafts and Boats, and to preserve the Navigation of the River.

Booms to be fit for the reception of Timber, &c. from Spring till 10th November in each year.

VI. And be it enacted, That the said Corporation shall, and they are hereby required to keep the said Booms open and in order to receive Timber, Logs and other Lumber floating down the River Nashwaak, from the opening of the Spring and after the River is clear of Ice, until the tenth day of November in each and every year during the continuance of this Act.

Charges for rafting and securing the Timber, &c.

VII. And be it enacted, That the said Corporation shall be entitled to receive a sum not exceeding one shilling and two pence per ton for each ton of Square Timber, and a sum not exceeding two shillings and six pence per thousand for each and every thousand superficial feet of Logs and other Lumber which they shall secure and raft in a substantial manner, with good and sufficient Boom Poles, and put in good and sufficient joints, such as are usually made preparatory to their being put in large Rafts for transportation to Saint John; such payments being in full for rafting and securing the said Timber as aforesaid, and also for collecting and keeping up and floating down the said Timber, Logs and other Lumber so rafted in the said Boom or Booms from the mouth of Penniak to the mouth

mouth of the Nashwaak, and also for all scattered Timber, Logs and other Lumber, which by the force of the current or water may be drawn into the said Boom or Booms, and secured thereby and so rafted in joints.

VIII. And be it enacted, That the said Corporation shall have a lien on all Timber, Logs and other Lumber which may be rafted in the said Boom in joints fit to be carried to Saint John in the manner prescribed by the seventh Section of this Act, or which shall be carried into the said Boom by the force of the current; and the said Corporation or Agent or Agents may retain the said Timber, Logs or other Lumber, or sufficient part of them, to pay the boomage, until such boomage is paid or secured.

Lien granted to secure the boomage.

IX. And be it enacted, That for any floating joints or rafts of Timber, Logs or other Lumber without men on, which may run into the said Boom or Booms by force of the current or accident, or be caught therein, the said Corporation shall protect such joints or rafts, and be entitled to receive therefor at and after the rate of two pence for each and every ton of such Timber, and six pence per thousand superficial feet for every thousand superficial feet of Logs or other Lumber, provided that the said Corporation shall not be entitled to receive for any such raft or joint a larger sum than three pounds.

Rafts entering the Boom by accident to be protected, and charged specified rates.

X. And be it enacted, That all questions of difference or dispute of any kind relating to the quantity of Timber, Logs or other Lumber, or to the mode of rafting the same, shall be submitted to the award or arbitrament and determination of three persons indifferently chosen between the parties, the award and determination of them or any two of them shall be final and conclusive between the parties, which referees or any two of them shall also determine and award by whom and how the expense of such reference shall be paid.

Disputes as to quantity of Timber, mode of rafting, &c. to be settled by arbitration.

XI. And be it enacted, That the said Corporation shall have power to levy and collect assessments upon the Shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Corporation, and whenever any such assessment shall be made by the Stockholders of the Corporation, it shall be the duty of the Treasurer to give notice thereof in a Newspaper printed in Fredericton, requiring payment of the same within ten days, and if any Stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his Share or Shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent Shares for sale at Public Auction, giving at least fifteen days notice of the time and place of such sale, and all Shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each Share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchasers: Provided always, that no assessment shall be made except by a vote of the Stockholders, and by a majority of all the Shares.

Company, on a vote of the Stockholders, may assess the Shares to carry on the business of the Corporation.

Delinquent Shares to be sold.

XII. And be it enacted, That the Members and Stockholders of the said Corporation shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of the said Corporation or their Agents or Servants, in proportion to the Stock they respectively hold: Provided however, that in no case shall any Stockholder be liable to pay a sum exceeding the amount of Stock actually then held by such Member or Stockholder in addition to the Stock then held by such Stockholder: Provided nevertheless, that nothing herein

Liability of the Members of the Corporation.

contained shall be construed to exempt the Joint Stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

Corporate powers to cease if Boom be not erected, and certificate filed within twelve months.

XIII. And be it enacted, That unless a good and sufficient Boom for the purpose contemplated by this Act shall be erected within twelve month after the passing of this Act, and a certificate thereof under the hand of the Agent or the principal officer of the said Corporation, attested to by such Agent or other principal officer before one of Her Majesty's Justices of the Peace, and which oath such Justice is hereby authorized to administer, shall be filed in the office of the Secretary of the Province, then the Corporate powers hereby granted shall be deemed null and void.

Act not to authorize the Corporation to enter upon private property without consent.

XIV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Corporation or any of their Agents or Servants to enter in and upon any lands or tenements of any person whomsoever, unless the consent of the owner or owners, lessee or lessees thereof, be first had and obtained in writing; and further provided, that the said Corporation shall be liable for all trespasses done or committed by the Servants or Agents of the said Corporation, in the course of prosecuting the business and object of the said Corporation, unless such consent as aforesaid has been previously had and obtained.

Limitation.

XV. And be it enacted, That this Act shall continue and be in force for five years and no longer.

CAP. LVI.

7 V. c. 19.

An Act to amend an Act, intituled *An Act to amend an Act, intituled "An Act to repeal an Act to encourage the destroying of Wolves, and an Act to grant a Bounty on the destruction of Bears in this Province, and to make other provision in lieu thereof."*

Passed 27th March 1845.

Preamble.

7 V. c. 19.

WHEREAS in and by the second section of an Act made and passed in the seventh year of the Reign of Her present Majesty, intituled *An Act to amend an Act, intituled "An Act to repeal an Act to encourage the destroying of Wolves, and an Act to grant a Bounty on the destruction of Bears in this Province, and to make other provision in lieu thereof,"* it is among other things enacted that the sum of money to be drawn from the Treasury of this Province under the provisions of the said recited Act, shall not exceed the sum of fifteen pounds in any one year: And whereas it has been found that the sum of fifteen pounds is insufficient for the purposes by the said Act intended; for remedy whereof,

Warrants on the Treasury may be issued in favor of the Clerks of the Peace for money to be expended and accounted for under the Act 7 V. c. 19.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, and during the time that the said Act to which this Act is an amendment shall continue and be in force, it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, on it being made to appear to his satisfaction that the amount of any Warrant issued under the provision of the said recited Act, or of this Act, has been fully expended according to the intent and meaning of the same, to issue his Warrant on the Treasurer of this Province, or any of his Deputies, directing him to pay over to the proper Clerk of the Peace, or to his order, out of any monies then in the hands of the said Treasurer or Deputy Treasurer, such sum of money as to His said Excellency and Her said Majesty's Executive Council may seem meet, to be applied by such Clerk of the Peace, and accounted for by him, in the manner in the said Act provided, any law, usage or custom to the contrary thereof notwithstanding.