

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1842. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1842.

5 Victoria – Chapter 29

An Act to incorporate the Saint Stephen Log and Timber Sluice Company. Passed 31st March 1842.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Joseph N. Clarke, William E. M'Allister, William Porter, Nehemiah Marks, Robert Lindsay, Abner Hill, Junior, John Marks, James Frink, Robert M. Todd, John D. Andrews, their associates, successors and assigns shall be, and they are hereby created into a Body Politic and Corporate, by the name of The Saint Stephen Log and Timber Sluice Company, and shall have all the general powers and privileges made, incident to Corporations by Act of Assembly in this Province, for the purpose of building and erecting a Log and Timber Sluice, and necessary works therewith connected, between the Mills at Mill Town (so called) and the Middle Landing Mills (so called,) in the Parish of Saint Stephen, in the County of Charlotte; such Sluice to be taken out of the present Log Sluice already erected, and which is fed or supplied by or from the Pond of the upper Mills at Mill Town.

II. And be it enacted, That the Capital Stock of the said Corporation shall be seven hundred and fifty pounds of current money of New Brunswick, and shall be divided into thirty shares of twenty five pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require; provided always, that the said Corporation shall, when necessary, have power to extend the Capital Stock to one thousand five hundred pounds of like current money, and shall also have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares.

III. And be it enacted, That the first meeting of the said Corporation shall be held in the Parish of Saint Stephen, aforesaid, and shall be called by any three of the persons named in the first Section of this Act, by giving notice in writing, and posting up the same in three of the most public places in the said Parish, or by publishing the same in the nearest newspaper printed in the said Parish, at least seven days previous to such meeting, for the purpose of establishing Bye Laws, choosing five Directors, and such other officers as may be necessary for the management of the affairs of the said Company, which Directors and other officers so chosen, shall serve until others are chosen in their stead at any annual meeting of the said Company, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

IV. And be it enacted, That the annual meeting of the Shareholders of the said Company shall be held on the first Tuesday in March, in each and every year, or at such other time as the Shareholders, a majority of the same being present, shall at any annual meeting determine upon, for the purpose of choosing five Directors, and such other officers as may be necessary for the management of the affairs of the said Corporation; which Directors so chosen, shall remain in office one year, or until others are chosen in their place, and shall, at the first meeting after their

election, choose one of their number President of the said Company; provided always, that not less than three Directors shall form a Quorum for the transaction of business, and in the absence of the President the Directors shall have power to appoint one of their number as Chairman for the occasion; and provided always, that any Officer of the said Company may be removed from office and another chosen in his place, or any vacancy filled at any legal meeting, whether annual or otherwise of the said Company.

V. And be it enacted, That the; number of votes to which each Stockholder shall be entitled to on every occasion, when in conformity to this Act the votes of the Stockholders are to be given, shall be in proportion of one vote for each share of Stock, and that absent Stockholders may vote by proxy, provided such proxy be a Stockholder, and produce sufficient authority in writing.

VI. And be it enacted, That the shares in the said Corporation shall be assignable and transferable according to such rules and regulations as maybe established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a Book to be kept by the Directors for that purpose; and in no case shall a fractional part of a share, or other than a whole share or shares be assignable or transferrable; and whenever any Stockholder shall transfer in manner aforesaid all his Stock or shares in the said Company, he shall cease to be a Member of the said Corporation.

VII. And be it enacted, That if it shall happen that the said Directors or other Officers should not be chosen at any Annual Meeting of the said Company, it shall and may be lawful to choose them on any other day, on giving seven days notice of the time and place of such meeting in either of the modes above mentioned.

VIII. And be it enacted, That the joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

IX. And be it enacted, That the said Company shall have power to levy and collect assessments on the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessments shall be made by the Stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in the nearest newspaper printed in the said County, requiring payment of the same within thirty days; and if any Stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessments upon the 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 twenty days notice in the nearest newspaper as aforesaid, of the time and place of such sale, and all shares upon which the assessment is not then paid shall be sold to the highest bidder, and after retaining the amount of assessment, Interest and cost of advertising and sale, 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 purchaser: Provided always, that no assessment shall be made except by a vote of the Stockholders and a majority of all the Shares.

X. And be it enacted, That all meetings of the said Company shall be called by Public Notice being given of the time and place of meeting in the nearest newspaper printed in the said County, or by posting up the same in three of the most public places in the said Parish, at least seven days before the time of each meeting, and that special meetings may be called by the Secretary under the authority of the Directors or by any three of the Stockholders upon giving like notice, and all meetings of the said Company shall be holden in the said Parish of Saint Stephen.

XI. And be it enacted, That the said Company shall have power and authority by themselves, their Agents, Artists and Workmen, to enter in and upon and occupy for that purpose, all the land which shall be necessary and suitable for constructing and making a Log and Timber Sluice at the place mentioned in the first Section of this Act, doing as little damage thereto as possible, and to build, make and complete such Sluice and continue and maintain the same, satisfying the several occupiers and owners of such land for the damage done thereto; and in case of disagreement between the said Corporation and the said owners or occupiers or any of them, the amount of compensation shall be determined by three Arbitrators, one to be chosen by the said Corporation, and one by the owner or occupier of the land in question, which two Arbitrators so chosen shall choose a third, and in case of their not agreeing in such choice within ten days after their appointment, then it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, to appoint the third Arbitrator, and the award of the said Arbitrators or any two of them shall be final and conclusive as to all matters referred to them, and in case the said Company and the owners or occupiers of said land should decline appointing such Arbitrators, then either of the said parties may apply to the Supreme Court of Judicature of this Province, and such Court is hereby empowered and required to issue a Writ or Warrant in such form as they may prescribe, directed to the Sheriff of the County where such lands lie or to such disinterested person or persons as the said Court may appoint, commanding such Sheriff or other person or persons (as the case may be) to summon, empanel and swear a Jury of twelve disinterested persons, qualified to act as Petit Jurors in such County, to ascertain and report to the said Court what damages (if any) have been sustained by the owners or occupiers of such land by reason of such Sluice; which report being confirmed by the said Court shall be final and conclusive, unless sufficient cause to the contrary shall be made to appear to the said Court within the Term next after the filing of such report; and in case the proceedings on such Writ or Warrant shall be set aside by the said Court for any defect, irregularity or misconduct, the parties shall be at liberty to proceed de novo, and the amount of the damages so ascertained, and the costs and expences of the proceedings, shall be taxed and allowed by the said Supreme Court, and shall be borne by the said Corporation; and provided also, that if any person owning land or any other property which shall be affected by this Act be *Feme Covert*, under age or *non compos mentis*, or out of the Province, then and in either of such cases the said Company shall within one year make representation thereof to the said Supreme Court, who shall proceed thereon in the same manner and to the same effect as is directed by this Act in other cases.

XII. And be it enacted, That the said Company, or such person or persons as they shall from time to time appoint as Toll Collectors or their Deputies, are hereby authorized to demand and receive Toll of and from any and all persons whose Logs, Timber, or other Lumber may pass through said Sluice, the rates of which Toll shall be regulated and established by the said Company; and the Toll

Collectors appointed as aforesaid shall be and they are hereby authorized not to permit the passage of any Logs, Timber or other Lumber through the said Sluice, until the Tolls fixed by the Company are first paid or discharged by the owner or his agent, or may bring a suit for the recovery of the same against the the owner or his agent before any competent tribunal, in the name of the Company, or before any Justice of the Peace, for any amounts not exceeding five pounds.

XIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Corporation, their Agents or Servants, or any other person or persons, to use, fill up, or in anywise incumber the Mill Pond of the Upper Mills at Mill Town aforesaid, with Logs, Timber or other Lumber, intended to be passed through the said Sluice, further than is absolutely necessary for this purpose; and all charges, damages and expenses to which the said Upper Mill Owners or any of them may be put, and which may be occasioned by such use, filling up, and incumbrance, and which may not be absolutely necessary for the purpose aforesaid, shall be chargeable to and borne by the said Company: Provided also, that said Log and Timber Sluice, when erected, shall only be used and occupied two days in each week.