

8. Provided always, that unless ten per cent. of the capital stock shall be paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said Directors or any one of them, (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

9. The said Company shall keep an office in Hopewell, in the County of Albert, in this Province, and an Agent there, for the transaction of business connected with the Company in this Province; service upon the said agent of all writs, processes, notices and other documents shall be deemed good and sufficient service upon the said Company.

CAP. XC.

An Act to incorporate the Foster and M'Adam Brooks River Driving Company.

Sec.	Sec.
1 Company incorporated.	9 Qualification of Directors.
2 Company authorized to occupy lands.	10 Qualification of voters.
3 Damages for land, how determined.	11 If Directors, &c., not chosen at general meeting, may be at any subsequent meeting.
4 Tolls authorized; amount of.	12 Liability of stockholders.
5 Company to have lien on Lumber.	13 Power of Company to levy and collect assessments; Company to keep a record of all Lumber.
6 Capital stock.	14 Limit of Act.
7 First meeting, when held.	
8 General meeting, when held.	

Passed 14th April, 1873.

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

1. That Freeman H. Todd, James Clark, Frank Todd, Z. Chipman, Henry F. Todd, Charles R. Hill, William Porter, and Charles Stewart, their associates and successors, shall be and they are hereby constituted a body corporate, by the name of "The Foster and M'Adam Brooks River Driving Company," and shall have all the powers and privileges incident to a Corporation by Act of Assembly of this Province, for the purpose of clearing out "The Foster and M'Adam Brooks," so called, for the purpose of making them navigable for the driving of logs and timber therein.

2. The said Company shall have power and authority by themselves or their superintendents and workmen, to enter in and upon and occupy for that purpose any lands bordering on said brooks within the limits before defined, as shall be necessary for building dams and making such other improvements on said brooks as may be required to facilitate the driving of logs and timber thereon; the said Company being liable for all damage sustained by the taking of any lands necessary to be taken and used for the purpose of this Act, and by reason of any of their works and operations under the authority of this Act, to be ascertained and determined as mentioned in the third section of this Act.

3. Should the owner or occupier of any land over which any sluiceway is already built or that may hereafter be built by virtue of this Act, or the owner or occupier of any land and property claiming damage for any land taken or any act done under the authority of this Act, and the said Company, not be able to agree as to the amount of damage, the same shall be determined by two disinterested persons or their umpire, to be chosen as follows:—The said Company shall appoint one person to act as their arbitrator, and shall by writing notify the said owner or owners of such property to

appoint his arbitrator, and the said persons so appointed shall proceed, determine the amount of damages (if any), and award the same to the said owner or owners, occupier or occupiers; and in case the said arbitrators so appointed should not agree, then the said arbitrators to choose an umpire, whose decision shall be final and conclusive; should the person making a claim for any damages as aforesaid neglect or refuse to appoint an arbitrator for the space of thirty days after receiving notice as aforesaid, the said Company shall be at liberty to appoint two arbitrators to determine the amount of damages; and in case the said Company should neglect or refuse to appoint an arbitrator for the space of thirty days after receiving notice in writing of the claim for damages, the person so claiming damages shall be at liberty to appoint two arbitrators to determine the amount of damages; the decision of the said arbitrators in either case to be final; provided that nothing in this Act contained shall affect any suit or action now pending in any Court in this Province against the said Corporation or any of them, or any other person, for damages by reason of any of the matters legislated upon in this Act.

4. The said Company, or such person or persons as they shall from time to time appoint, are hereby authorized to demand and receive tolls of and from all persons or all corporate bodies owning logs, timber and other lumber passing along that portion of said brooks so improved, as follows, viz:—For every thousand feet of said logs forty cents; for every ton of timber twenty cents; and every thousand feet of other lumber forty cents.

5. The said Corporation shall have a lien on all timber and logs passing through such portion of said brooks as may be improved under the provisions of this Act, for the payment of all tolls assessed, and in case of refusal or neglect to pay, so much of said timber or logs of each owner thereof so refusing or neglecting, as may be necessary to meet such assessments, with the expenses, may be sold by the said Corporation to pay the same after twenty days' notice thereof, in manner aforesaid, and the surplus, (if any) shall be returned to the party assessed.

6. The capital stock of the said Company shall be four thousand dollars of the current money of the Province of New Brunswick, and shall be divided into one hundred shares of forty dollars each, to be paid at such times and in such instalments as the business of the said Company shall require; provided that twenty five per centum of the capital stock of said Company, amounting to one thousand dollars, shall be actually paid in and invested in the business of the said Corporation within three years after the passing of this Act.

7. The first meeting of said Corporation shall be held at Saint Stephen, and shall be called by Freeman H. Todd, or in case of his death, neglect or refusal, by any two of said Company, by giving notice in any newspaper printed in the County of Charlotte, or by written notice posted at the public landing in Saint Stephen, at least ten days previous to such meeting for the purpose of making bye laws and choosing five Directors and such other officers as may be necessary for the management of the affairs of said Corporation; which Directors and officers so chosen shall serve until the annual meeting or until others are chosen in their stead, and shall have full power and authority to manage the concerns of said Corporation, subject to the rules and regulations herein provided.