



An Act for the incorporation of the New Brunswick Mining Company.

(Continued from our last page.)

V. And be it further enacted, That the Directors for the time being shall have power to engage and appoint such surveyor or surveyors, overseer or overseers, agent or agents, clerks, miners, labourers, and servants, as they or the major part of them shall think necessary, for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper, all which, together with the expenses for exploring, sinking shafts and pits, mining, draining, and other contingencies, shall be defrayed out of the funds of the Corporation: and the said Directors shall likewise exercise such other powers, and authorities, for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye-laws and regulations of the same.

VI. And be it further enacted, That not less than seven Directors shall constitute a board for the transaction of business, of which the President shall always be one, excepting in case of sickness or necessary absence, in which case the Directors present may choose one of their members as chairman in his stead; that the President shall vote at the board as a Director, and in case of an equal number of votes being for and against any question before them, the President or Chairman shall have a casting vote.

VII. And be it further enacted, That no person shall be eligible as a Director, unless such person is a stockholder, and holding not less than ten shares of the Capital or Stock of the said Corporation, and is of the full age of twenty-one years.

VIII. And be it further enacted, That the number of votes to which each Stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the Stockholders are to be given, shall be in proportion of one to each share; Provided that no person shall be entitled to a greater number than fifty votes; and provided also, that no person under the age of twenty-one years, shall be entitled to vote at any meeting of the Stockholders.

IX. And be it further enacted, That all Stockholders qualified to vote, resident within the Province or elsewhere, may vote by proxy, provided such proxy be a Stockholder, and do produce sufficient authority from his constituent or constituents; and that such authority shall be in writing signed by the constituent or constituents in the presence of one or more credible witnesses, and shall be according to the form in the schedule, or in words of the like effect: Provided also that if the constituent or constituents reside without the limits of the Province, the execution of the appointment shall be attested by a notary public.

X. And be it further enacted, That the directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board by the death, resignation, transfer of stock, or absence from the Province for three months, of any of its Members, but that in case of the removal of a director by the stockholders for misconduct or maladministration, his place shall be filled up by the said stockholders; and the person so chosen by the directors or stockholders shall serve until the next succeeding annual meeting of the stockholders.

XI. And be it further enacted, That the shares in the said stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the directors for that purpose, nor until such person or persons, so making the same, shall previously discharge all debts actually due or payable by him or them to the said corporation, that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable: that 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.

XII. And be it further enacted, That the directors shall make half yearly or yearly dividends, as may to them appear most proper, of all the profits arising from the sales of coal or other metals, or minerals, or otherwise, deducting from the produce of coals, metals or minerals, or other profits, the charges of freight, carriage and sale, charges of management, and all such other charges and current expenses as may appear to them properly chargeable against the income of the company.

XIII. And be it further enacted, That notwithstanding any real estate which the corporation may at any time own or possess, the shares and interest of the stockholders, of and in the stock, funds, property and estate of the said corporation shall be, and shall be held, deemed and taken to be, personal property to all intents and purposes whatsoever.

XIV. And be it further enacted, That the books, papers, correspondence, and all other matters and things, belonging to the said corporation, shall at all times be subject to the inspection of the directors, or any of them, but no stockholder; not a director, shall inspect the account of any individual or corporate body, with the said company.

XV. And be it further enacted, That the directors shall, at the general meeting to be held in every year, lay before the Stockholders, for their information, an exact and particular statement of the true state of the affairs and business of the said company, agreeably to the several regulations and rules made therefor, so as the same do contain a true account of the whole of the affairs of the said company; which statement shall be in like means signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature of the Province: Provided always, that the rendering of such statement, shall not extend to give any right to the stockholders, not being directors, to inspect the account of any individual or individuals with the said corporation.

XVI. And be it further enacted, That any joint committee hereafter to be appointed by the honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said corporation shall, either during the session or prorogation of the General Assembly, have free access to all books and accounts of the same.

XVII. And be it further enacted, That any number of stockholders, not less than twenty, who together shall be proprietors of two hundred and fifty shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the said corporation, giving at least thirty days previous notice in the Royal Gazette, and at least two news papers published in the City of Saint John, and specifying in such notice the time and place of such meeting, with the objects thereof; and the directors or any seven of them shall have the like power at any time, upon observing the formalities, to call a general meeting as aforesaid.

XVIII. And be it further enacted, That the joint stock or property of the said corporation, shall be alone responsible for the debts and engagements of the said corporation, and that no person or persons who shall or may have dealings with the said corporation shall, on any pretence whatsoever, have recourse against the separate property of any present or future member or members of the said corporation, or against their person or persons, further than may be necessary to secure the faithful application of the funds of this corporation.

XIX. And whereas previous to the uniting together of the subscribers to this company, an association had been formed at Fredericton for the purpose of exploring the country, with a view to ascertain the extent and nature of districts in which coal might be found, and sandry excavations were made and works carried on by such association; and it was agreed that the subscribers to the stock of the present company, should become vested with the rights and property, and subject to the liabilities of the said association; and that any of the members of the association might unite themselves to this company, and should in that case have credit in the stock of this corporation for so much as they might have paid and advanced to the former association, with interest, and that the present company should pay to such members of the former association as were desirous of withdrawing from the adventure, the sum advanced by them with interest: And whereas the Honorable Thomas Baillie, William F. Odell, Esquire, and John T. Smith have signified their desire to withdraw from the adventure: Be it enacted, That there shall be paid to the said Honorable Thomas Baillie, William F. Odell, and John T. Smith, out of the funds of the corporation, the sum of twenty five pounds each, together with interest from the time of their advancing such monies, up to the time of payment, and that on such payment being made, they shall cease to have any interest in the property or rights of the said association, and that the other members of the said association; to wit, The Honorable John Saunders and George Shore, Robert Parker, Hugh Johnston, Elisha D. W. Ratchford, Zalmon Wheeler, Thomas L. Nicholson, John A. Beckwith, John Wilson, Henry Chubb, William Sprague, Moses H. Perley, Thomas Robson, William Bookwood, James Harris, Thomas Allen, William Emmsley, Thomas Griffith, John Woodley, Henry G. Clapper, Justin Spahn, George E. Ketchum, William Sprague, E. N. Kendal, John Tank, James Ratchford, Thomas Jones, Henry Cook, Townsend Coffin, Nehemiah Merritt, Henry Gilbert, James Hay, John Boyd, H. Boyer Smith, Ralph M. Jarvis, James Fraser Junior, Neville Parker, Charles Haze, John Ward Junior, James Kirk, William Leavitt, George G. Gilbert, Thomas M. Hazen, Stephen Wiggins, James Whitney, Thomas L. Ladden, Henry Blaklee, Thomas Leavitt, Robert L. Hazen, Beverley Robinson, George D. Robinson, Isaac Woodward Junior, John G. Woodward, Isaac Ketchum, Robert F. Hazen, Samuel Stephen, George A. Nagel, Thomas Barlow, Robert W. Crookshank, George Merritt, Ewen Cameron, Joseph Whitburn, Benjamin Gae, Hiram Smith, John R. Partelow, Thomas Sandall, Frederick A. Wiggins, Lionel Anderson, John Kerr, Edward L. Jarvis, William H. Robinson, John M. Robinson, Thomas Cox, Isaac L. Buel, Charles R. Jarvis, Charles Merritt, William Flaherty, Robert Ray, John Robertson, Ezekiel Barlow Junior, William Black, Charles H. Grocock, Edward Lowe, John Johnston, Alexander Wedderburn, William Sammel, Henry John Chubb, Thomas Chubb, George James Chubb, William J. Gilbert, Ann Gilbert, Stannus Jones, Thomas Nicbet

XX. And be it enacted, That if any of the shareholders herein named, shall neglect or refuse to pay all or any part of the share or shares, subscribed by him, and payable as herein directed, it shall and may be lawful for the directors of the said company for the time being forthwith, after such neglect or refusal, to sell and dispose of the share or shares in the payment of which such default shall be made, to the best advantage; and the said Directors shall thereupon, out of the monies arising from the sale thereof, pay over to such shareholder the amount actually paid in by him (if any) on such share or shares, deducting first therefrom, ten per cent on the amount of his said share or shares, to be retained by the company in lieu of all other expenses incurred by such default: Provided always, that any loss shall arise on the sale of such share or shares no greater than shall be paid to the said shareholder, than that at which such share or shares shall have been sold, deducting therefrom ten per cent, as aforesaid.

XXI. And be it further enacted, That it shall and may be lawful for the said shareholders, at a general meeting or any special meeting for that purpose to

be called, and of which due notice of not less than thirty days shall be first given in the Royal Gazette, and at least two newspapers published in the City of Saint John, to increase the said capital or joint stock of the said company by any sum not less than five thousand pounds at any one time, until the said capital or joint stock shall amount to thirty thousand pounds, which last mentioned sum shall be divided into shares of ten pounds each, and all which said additional capital or joint stock, shall also be divided into shares of ten pounds each, and paid in lawful current money, at such time or times, either in full or by such instalments as the said stockholders or the directors of the company for the time being may appoint.

XXII. And be it further enacted, That all the said additional shares to be so made and added to the said Capital or Joint Stock of the said Company, shall be sold and disposed of at public auction, to the highest bidder or bidders, at the such time or times, place or places, and on such terms as the Directors for the time being shall appoint and direct; and of which said sale or sales, and of the said time and place thereof, public notice shall be first given in the Royal Gazette, two or more newspapers published in the City of Saint John, and one paper, at least (if any) published at Saint Andrews in the County of Charlotte, and in the County of Northumberland, respectively, for at least thirty days previous to such sale; and that the said shares shall not be sold in lots of more than five shares each.

XXIII. And be it further enacted, That any advance or premium at which the said shares may be sold, first deducting thereout the charge of such sale, shall be considered as added to the capital of the Company, and applied to the use of such company in the same manner as the original or increase capital; and the new shareholders shall have an equal proportionable interest in this addition with the old shareholders.

XXIV. And be it further enacted, That in case of default of payment of any of the said shares, and the advance or premium at which they may have been sold, within the time fixed for the payment thereof, it shall and may be lawful for the Directors of the said Company for the time being, forthwith to sell and dispose of the said shares, in the payment of which default shall be so made, at their discretion, to the best advantage; and any advance or premium thereon shall be applied as above mentioned to the increase of the capital, and not divided as part of the profits of the said Company.

XXV. And whereas it may be found expedient to increase the said Capital Stock during the current year and before any profits can be derived from the operation of the Company; be it further enacted, That the sale of any increased stock, not exceeding ten thousand pounds, which will be in the year going provision, on or before the first day of January which will be in the year of our Lord one thousand eight hundred and thirty-four, shall be exempt from the duty imposed by the law of the Province on sales by auction.

XXVI. And be it further enacted, That this Act shall be accepted and taken, and reputed to be a public Act, of which all and every the Judges and Justices of this Province, in all Courts, and all other persons shall take notice on all occasions whatsoever, as if it were a Public Act of Assembly relating to the whole Province, any thing herein contained to the contrary thereof in any wise notwithstanding.

XXVII. And be it further enacted, That this Act shall continue and be and remain in force for and during the term of thirty years from the first day of April, which will be in the year of our Lord one thousand eight hundred and thirty-three.

FORM OF PROXY.

I, A. B. of [place of residence and profession or occupation of the Stockholder] holder of shares in the Capital or Joint Stock of The New Brunswick Mining Company, do hereby nominate, constitute and appoint C. D. also a shareholder in the said Company, in my name, and in my absence, to vote or give my assent or dissent to any business, matter or thing, relating thereto, which shall be proposed at any general or special meeting of the Stockholders of the said Company or any adjournment thereof, at all times hereafter, until I shall revoke this appointment by notice in writing under my hand to the Secretary or Clerk of the said Company. In witness whereof I have hereunto set my hand the day of _____ in the year of our Lord one thousand eight hundred and _____

Signed in presence of
E. F.
G. H.

Schedule of Subscribers to the New Brunswick Mining Company, with Number of Shares subscribed by each.

NAMES OF SUBSCRIBERS.	NUMBER OF SHARES.	No.
John Saunders,	thirteen	13
George Shore,	five	5
Robert Parker,	ten	10
Hugh Johnston,	ten	10
Elisha D. W. Ratchford,	ten	10
Zalmon Wheeler,	ten	10
Thomas L. Nicholson,	ten	10
John A. Beckwith,	ten	10
John Wilson,	five	5
Henry Chubb,	ten	10
Moses H. Perley,	five	5
Thomas Robson,	three	3
William Bookwood,	one	1
James Harris,	one	1
Thomas Allen,	one	1
William Emmsley,	one	1
Thomas Griffith,	one	1
John Woodley,	one	1
Henry G. Clapper,	five	5
Justin Spahn,	ten	10
George E. Ketchum,	five	5
William Sprague,	two	2
E. N. Kendal,	five	5
John Tank,	two	2
James Ratchford,	ten	10
Thomas Jones,	ten	10
Henry Cook,	ten	10
Townsend Coffin,	five	5
Nehemiah Merritt,	ten	10
Henry Gilbert,	ten	10
James Hay,	ten	10
John Boyd,	ten	10
H. Boyer Smith,	ten	10
Ralph M. Jarvis,	ten	10
James Fraser Junior,	ten	10
Neville Parker,	ten	10
Charles Haze,	ten	10
John Ward Junior,	ten	10
James Kirk,	ten	10
William Leavitt,	ten	10
George G. Gilbert,	ten	10
Thomas M. Hazen,	ten	10
Stephen Wiggins,	ten	10
James Whitney,	ten	10
Thomas L. Ladden,	ten	10
Henry Blaklee,	ten	10
Thomas Leavitt,	ten	10
Robert L. Hazen,	ten	10
Beverley Robinson,	ten	10
George D. Robinson,	ten	10
Isaac Woodward Junior,	ten	10
John G. Woodward,	ten	10
Isaac Ketchum,	ten	10
Robert F. Hazen,	five	5
Samuel Stephen,	ten	10
George A. Nagel,	ten	10
Thomas Barlow,	ten	10
Robert W. Crookshank,	ten	10
George Merritt,	ten	10
Ewen Cameron,	ten	10
Joseph Whitburn,	five	5
Benjamin Gae,	five	5
Hiram Smith,	ten	10
John R. Partelow,	ten	10
Thomas Sandall,	ten	10
Frederick A. Wiggins,	ten	10
Lionel Anderson,	ten	10
John Kerr,	ten	10
Edward L. Jarvis,	ten	10
William H. Robinson,	ten	10
John M. Robinson,	ten	10
Thomas Cox,	three	3
Isaac L. Buel,	ten	10
Charles R. Jarvis,	ten	10
Charles Merritt,	ten	10
William Flaherty,	ten	10
Robert Ray,	five	5
John Robertson,	ten	10
Ezekiel Barlow Junior,	ten	10
William Black,	ten	10
Charles H. Grocock,	ten	10
Edward Lowe,	ten	10
John Johnston,	ten	10
Alexander Wedderburn,	ten	10
William Sammel,	ten	10
Henry John Chubb,	five	5
Thomas Chubb,	five	5
George James Chubb,	five	5
William J. Gilbert,	ten	10
Ann Gilbert,	ten	10
Stannus Jones,	five	5
Thomas Nicbet	five	5

John Hooper,	five	5
William Hammond,	ten	10
John Hammond,	ten	10
Charles D. Everett,	five	5
James Hendricks,	ten	10
John V. Thurgar,	ten	10
John Wishart,	ten	10
Daniel Scovil,	five	5
Samuel Scovil,	five	5
Henry J. Jarvis,	ten	10
George A. Lockhart,	ten	10
William Mackay,	ten	10
Daniel Moore,	ten	10
John W. M. Irish,	ten	10
Daniel J. McLaughlin,	five	5
William H. Bowyer,	ten	10
Thomas S. Estey,	ten	10
George E. Frink,	ten	10
John Walker,	ten	10
Richard Sands,	ten	10
William S. Sands,	ten	10
John M. Wilmot,	ten	10
George Thomson,	five	5
John Moyes,	five	5
John Ferguson,	five	5
Moses Vernon,	five	5
Brook Wheeler,	five	5
Lewis Bliss,	seven	7
William Wiley,	seven	7

One Thousand Shares of ten pounds each. Total 1000

CAP. XIII.

A Bill to provide for more effectually repairing the streets and bridges in the City of Saint John.

Passed 19th March 1833.

WHEREAS the Mayor, Aldermen and Commonalty of the City of Saint John, by the Charter of the said City ratified by an Act of the General Assembly, are authorized and empowered to make, lay out, alter, amend and repair the streets, highways, and bridges in and throughout the said City and the vicinity thereof, and also beyond the limits of the said City on either side thereof, throughout the County of Saint John: And whereas in accordance with the petition of the Mayor, Aldermen and Commonalty of the said City of Saint John, it is expedient that the powers of the said Mayor, Aldermen and Commonalty of the said City, respecting the streets, highways and bridges as aforesaid, should not extend beyond the limits of the said City: And whereas it is just and equitable that the freemen and inhabitants of the said City should do and perform days' work as the other inhabitants of the Province, for the purpose of completing and amending the public roads and bridges of the said City:

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the second year of the Reign of His present Majesty, intitled "An Act further to continue the Acts relative to streets and highways in the City and County of Saint John," be and the same is hereby repealed.

II. And be it enacted, That the powers given in and by the said Charter of the City of Saint John relative to the streets, highways, and bridges of the City and County of Saint John, shall not extend or be construed to extend to give the Mayor, Aldermen and Commonalty of the said City authority to make, lay out, alter, amend and repair the said streets, highways and bridges in and throughout any part of the said County of Saint John: Provided that nothing herein contained shall extend to alter or abridge the powers of the said Mayor, Aldermen and Commonalty of the said City to make, lay out, alter, amend and repair the said streets, highways and bridges in and throughout the limits of the said City of Saint John, according to the provisions of the Charter: And provided also, that all roads, streets, and highways heretofore laid out, and which are now used as such, and also all public bridges heretofore built and now used as such, shall be and the same are hereby deemed and established to be the public roads, streets, highways, and bridges of the said City and County, and shall continue so to be until the same shall be altered by the proper authorities.

II. And be it enacted, That all freemen and other male inhabitants of the said City of the age of sixteen years and upwards, shall perform labour on the streets and Highways of the said City, at and after the following rates; that is to say, hired servants, common labourers, licensed school-masters, apprentices, and other persons under the age of twenty-one years, two days; Journeymen Mechanics and other persons, not coming within the description of persons before designated, whose whole property, real and personal, may not exceed one hundred pounds, and all persons whose real and personal property may exceed one hundred pounds and not exceed two hundred and fifty pounds, four days; exceeding two hundred and fifty pounds and not exceeding four hundred pounds, five days; exceeding four hundred pounds and not exceeding seven hundred and fifty pounds, six days; exceeding seven hundred and fifty pounds and not exceeding one thousand pounds, seven days; exceeding one thousand pounds, eight days; or whose yearly income, from pounds and not exceeding five hundred pounds, twelve days; exceeding whatever source arising, exceeds three hundred pounds, twelve days; exceeding five hundred pounds, or whose yearly income exceeds five hundred pounds, sixteen days; and all other male inhabitants of the age of twenty-one years who may be included in any of the foregoing description of persons, four days: Provided always, that upon application to the Mayor, Recorder and Aldermen of the said City, or any two of them, they shall and may, at their discretion, lessen the number of days' work to be performed by any poor or indigent person.

IV. And be it enacted, That it shall be the duty of the Assessors of rates for the City of Saint John, on or before the tenth day of May in each year, to make the assessment of Statute Labour on the freemen and inhabitants of the said City according to the scale hereinbefore mentioned, if required so to do by the said Mayor, Aldermen and Commonalty; or the said Mayor, Aldermen and Commonalty may, if they think fit, nominate and appoint three or more fit persons to be Assessors for that purpose, who shall be duly sworn to the discharge of their duty, and liable to like penalties for refusal to act, or neglect of duty, as other Assessors in the said City.

V. And be it enacted, That in case any person in the City of Saint John shall deem himself aggrieved by any assessment made under this Act, it shall and may be lawful for him to appeal to the Common Council of the said City, who shall examine into the merits of the said appeal, and whose decision shall be final: Provided that a memorandum of every such appeal shall be entered in the Common Clerk's Office, within fifteen days after the appellant shall have received notice of the said assessment, with an affidavit annexed, in the form following or to that effect: "I, _____, resident in _____, do make oath that all the property, real and personal, owned by me, or by any other person in trust for me, or for my use, whatsoever and wheresoever, does not exceed _____ in value, and that my yearly income does not exceed _____ (or, in case the person appealing being among the first class of persons who are to pay but two days, the affidavit shall be that he is a hired servant, common labourer, licensed school master, apprentice, or person under the age of twenty-one years). Sworn the _____ day of _____ 1833, before _____ Justice of the Peace."

And in case the appeal be allowed, the rate shall be amended accordingly, and the Common Council may in their discretion direct the collector or collectors to repay out of the monies collected by him, the amount overcharged, or to make allowance therefor in the labour of the next year in case the appellant should have performed the whole labour assessed prior to hearing the appeal.

VI. And be it enacted, That if any person assessed for statute labour, shall prefer paying money, to doing such labour, it shall and may be lawful for the Collector or Collector to be appointed by the Mayor, Aldermen and Commonalty, within the City of Saint John, to take and receive the same at and after the rate of two shillings and six pence per day for each day's labour required to be done by such person, and no person whosever shall be permitted to work by substitute.

VII. And be it enacted, That the Mayor, Aldermen and Commonalty of the said City in Common Council convened, are hereby authorized and required, on the third Tuesday in March, or within the next four successive days, in each and every year, to appoint, by warrant or warrants under the common seal of the said City, one or more fit person or persons to be a Surveyor or Surveyors of the highways for the said City, assigning to him or them in such Warrants the limits of the district within and over which he or they shall exercise the duties and powers incident to his or their office, both with respect to the times and places where the work is to be performed, and the persons to be summoned to perform such work; and in case of the refusal of any such person or persons to accept of such office, or in case of any vacancy by death or removal, or other incapacity of such Surveyor or Surveyors to perform the duties of his or their office, the said Mayor, Aldermen and Commonalty are authorized and required in like manner to appoint another or others in his or their place.

VIII. And be it enacted, That it shall be the duty of the Common Clerk of the said City, immediately after the making of any appointment as aforesaid, to deliver to the said Surveyor or Surveyors, so appointed, his or their warrant or warrants of appointment, and that each and every person so appointed shall within fourteen days after receiving the same warrant, be duly sworn to the faithful performance of the duties of his or their office, before the Mayor, Recorder or either of the Aldermen of the said City, which oath they are hereby severally authorized and required to administer, and to indorse a certificate thereof upon each of the said warrants of appointment.

IX. And be it enacted, That each and every person so to be appointed who shall neglect and refuse to accept of the office of Surveyor as aforesaid, or shall take the oath herein before required within the time limited as aforesaid, or shall neglect or refuse to do and perform any of the duties herein required of him, shall for each and every offence forfeit and pay the sum of three pounds, to be recovered before any one of His Majesty's Justices of the Peace, by and in the name of the Chamberlain of the said City, on the oath of one or more credible witnesses or witnesses, or on confession, and levied with costs of prosecution by warrant of distress and sale of the goods and chattels of the offender, and to be laid out on the highways, streets and bridges of the said City.

X. And be it enacted, That it shall be the duty of the several Surveyors of highways within the said City appointed by the Mayor, Aldermen and Commonalty as aforesaid, on or before the fifteenth day of May in each and every year to make out and transmit to the Chamberlain of the said City, lists of all persons within their respective districts, who are by law liable to work upon the highways, streets, and bridges; and after the assessment list is handed to them, to summon the said persons