

POETRY.

THE LOVED ONE THAT SLEEPS FAR AWAY.

BY MRS. CRAWFORD.

When the golden sun sinks to his rest,
And the night breeze around me is springing;
When the white tombs in moonlight are drest,
And the sweet bird of sorrow is singing;
Sad fancy beguiles me to stray
To the loved one, that sleeps far away.

No friend ever wept o'er the sod,
Where thine ashes, my brother! are lying;
No footsteps of kindred have trod,
On the green sward that pillow'd thee dying;
Nor holy lips pray'd o'er the clay
Of the loved one, that sleeps far away.

Allure! thou field of the dead!
Dark, dark is the page of thy story;
More tears at thy shrine have been shed,
Than ere washed the laurels of glory!
They were martyrs who fell on that day,
With the loved one, who sleeps far away.

They dug him a grave—his own hands,
And slowly and tenderly bore him,
As if in fond woman's soft hands;
And the tears of the heroes fell o'er him,
As they laid the last sod on the clay
Of the loved one, that sleeps far away.

Oh! when I last stood in the room,
Where his sweet voice so often had sounded,
And saw the bright sunshine illumine,
Those woods, where in boyhood he bounded,
I wept, though all faces look'd gay,
For the loved one, that sleeps far away.

For freshly he rose to my view—
Our beautiful, brave, and light hearted;
With those smiles that a talisman threw
Over spirits, that now are departed—
Fond bosoms, since gone to decay,
Like the loved one, that sleeps far away.

SLANDER.

Alas! that a desire to prattle,
Should give extended circulation,
To so much mischief-making tattle,
And so much idle speculation;
And so much round-about abuse,
Just for the sake of spreading news!

Man's so meddlesome an animal,
As often moralists make mention,
That what concerns him least of all,
Meets often with the most attention;
And what concerns them most to know,
Is often least attended to.

He sees within another's eye,
The mote—resolves it shall be shewn;
But is the last one to decry,
The monstrous beam that's in his own;
Which if he'd turn attention to,
He'd always find enough to do.

Even death's no refuge from their tongue—
Lies insecure the slumbering dust;
For with their band of malice strong,
They'll pluck the chaplet from the bust;
That noble deeds award the brave,
And spit their venom in the grave!

The face oft acts a smiling part,
When malice from the soul proceeds;
Is oft the index to the heart,
Of deep designs and darkest deeds,
There's many a handsome, well-shap'd boot,
Conceals an ugly, cloven foot.

Many in whom we most confide,
Are the least worthy of our trust;
To us, our ev'ry fault they hide,
But lay us lowly in the dust
With other people.—Gratitude
Is scarce in this our latitude.

Oh man! frail, erring animal!
Thou thoughtless creature of a day!
Why thy charity so small,
When life so soon must pass away,
And all eternity reveal,
A scene thy conscience knows too well?

I once thought, when I was quite young,
All people worthy of my trust,
That truth was spoken by ev'ry tongue,
And ev'ry churchman holy, just;
The longest face o' practised art,
The index to the holiest heart.

Experience soon my mind prepared,
To trust to neither tongue nor eyes;
For ev'ry religion's sacred garb,
Is worn too oft as a disguise;
And tear-wet eyes too oft conceal,
An unrelenting heart of steel.

NOTICE is hereby given, that application will be made to the Honorable the Legislature at the first meeting thereof, for an Act incorporating sundry persons by the name of "The President, Directors and Company of the Bank of Fredericton," and a copy of the Bill to be introduced for that purpose is hereunder written.

A BILL

To incorporate sundry persons by the name of The President, Directors, and Company of the Bank of Fredericton.

WHEREAS a Joint Stock Company or Association hath lately been formed in Fredericton, for the purpose of banking: And whereas it hath been deemed expedient to grant the persons composing the said Joint Stock Company an Act of incorporation; therefore

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Amasa Coy, Jeremiah M. Connell, Francis E. Beckwith, Asa Coy, John Jardine, Thomas F. Smith, Robert Chestnut, Benjamin Wolhaupter, William Dell Hartt, Gilbert T. Rav, Charles D. Everitt, James Hale, Joshua Dymn, Henry Fisher, Junior, Charles Connell, Junior, Thomas C. Everitt, James Bowes, Jeremiah Smith, Stephen Burpe, Frederick W. Hatheway, Barnabas Tilton, George Hartt, John S. Coy, George Sears, Thomas G. Hatheway, William Alton, and Charles Fisher, their associates, successors or assigns, be

and they are hereby declared to be a body corporate by the name of The President, Directors and Company of the Bank of Fredericton, and that they shall be persons

able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents in fee simple or otherwise, and also goods and chattels, and all other things real, personal or mixed, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they shall be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law and equity or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they shall have one common seal to serve for the enrolling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they the said president, directors and company, or the major part of them, shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws and statutes of this Province.

II. And be it enacted, That the capital stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of fifty thousand pounds; the sum of twenty five thousand pounds, one half part thereof, to be paid in current gold and silver coins of the Province within two years from the passing of this Act, and the remaining half of all the shares of the said capital stock shall be paid in such instalments, and at such days and times as the directors of the said Bank may find occasion to require the same, thirty days notice being previously given in two of the newspapers in this Province of the time and place of such payment; the whole amount of said stock to be divided into shares of twenty five pounds each, making in the whole two thousand shares; and provided also, that the whole of the capital stock shall be called in within seven years after the passing of this Act.

III. And be it enacted, That the said Corporation shall have full power and authority to take, receive, hold, possess and enjoy in fee simple any lands, tenements, real estates and rents to any amount not exceeding three thousand pounds; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage taken as collateral security for the payment of any sum or sums of money advanced by or debts due to the said Corporation: Provided further, that the said Corporation shall on no account lend money upon mortgage or upon lands, or other fixed property, nor shall such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

IV. And be it enacted, That the first meeting of the members and stockholders of the said Corporation shall be held at Fredericton, and shall be called by Charles Fisher, Esquire, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in one or more of the public newspapers thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the said Corporation as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing directors being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which directors so chosen shall serve until the first annual meeting for choice of directors, and shall have full power and authority to manage the concerns of the said Corporation, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the members and stockholders of the said Corporation, or the major part of them, shall determine the amount of payment to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation shall be binding on the said stockholders, their successors and assigns.

V. And be it enacted, That there shall be a general meeting of the stockholders and members of the said Corporation to be annually holden on the first Tuesday in each and every year at Fredericton, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation directors, and continue in office for one year, or until others are chosen in their room; in the choice of which directors the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned; and the directors when chosen shall at their first meeting after their election choose out of their number a president: Provided always, that of the directors in office shall be re-elected at such annual meeting for the

next succeeding twelve months, of which the President shall always be one.

VI. And be it enacted, That the directors for the time being shall have power to appoint such officers, clerks 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 shall appear to them reasonable and proper; all which together with the expenses of building, house rent, and all 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.

VII. And be it enacted, That not less than three directors shall constitute a board for the transaction of business, of which the president shall always be one, except in the case of sickness or necessary absence, in which case the directors present may choose one of their board as chairman in his stead; that the president shall either vote at the board as a director, or in case of their being an equal number of votes for and against any question before them the president shall have a casting vote: Provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

VIII. And be it enacted, That no director shall be entitled to any salary or emolument for his services, but that the stockholders and members of the said Corporation may make such compensation to the president as to them shall appear reasonable and proper.

IX. And be it 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 stock of the said Corporation: Provided always, that the stockholder so otherwise qualified be not a director in any other banking company in this Province.

X. And be it enacted, That every cashier and clerk of the said Corporation before he enters upon the duties of his office shall give bonds with two or more sureties to be approved of by the directors, (that is to say,) every cashier in a sum not less than five thousand pounds with a condition for his good and faithful behaviour, and every clerk with the like condition and sureties in such sum as the directors shall deem adequate to the trusts reposed in them.

XI. And be it enacted, That the number of votes which each stockholder shall be entitled to on every occasion, when in conformity to the provisions of this Act the votes of stockholders are to be given, shall be in the following proportion, (that is to say,) for one share and not more than four, one vote; for every four shares above four and not exceeding twenty, one vote, making five votes to twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares; for every twelve shares above sixty and not exceeding one hundred and twenty, one vote, making fifteen votes for one hundred and twenty shares; for every sixteen shares above one hundred and twenty and not exceeding two hundred shares, one vote, making twenty votes for two hundred shares; which said number of twenty votes shall be the greatest that any stockholder shall be entitled to have.

XII. And be it enacted, That all stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a stockholder and do produce sufficient authority in writing from his constituent or constituents so to act; provided that no stockholder be entitled to hold more than five proxies.

XIII. And be it enacted, That no member of the said Corporation at any one time shall hold more than twenty per cent. of the capital stock.

XIV. And be it enacted, That the directors be and they are hereby authorised to fill up any vacancy, that shall be occasioned in the board by the death, resignation 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 mal-administration, his place shall be filled up by the stockholders, and the person so chosen by the directors or stockholders shall serve until the next succeeding annual meeting of the stockholders.

XV. And be it enacted, That the shares or capital 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 and payable 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 Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

XVI. And be it enacted, That the said Company shall not directly or indirectly deal in any thing excepting bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed, which said goods and stock so pledged shall be sold by the said Corporation at public sale at any time not less than thirty days after the period for redemption, and it upon such sale of goods or stock there shall be a surplus after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

XVII. And be it enacted, That the holders of the stock of the said Bank shall be chargeable in their private and individual capacity and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation in proportion to the stock they respectively hold: Provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him: Provided nevertheless, that nothing previously 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.

XVIII. And be it enacted, That every bond, bank bill, or bank note or other instrument, by the terms or effects of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the board of directors shall prescribe how payment thereof shall be made by the said Corporation: Provided nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the seventeenth section of this Act.

XIX. And be it enacted, That the total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill or note, or other contract whatsoever, deposits excepted, shall not exceed twice the amount of the capital stock actually paid in by the stockholders, and in case of any excess, the directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities: Provided always, that the lands, tenements, goods and chattels of the said Corporation shall also be liable for such excess.

XX. And be it enacted, That the directors shall make half yearly dividends of all the profits, rents, premiums and interest of the said Corporation, payable at such time and place as the directors shall appoint, of which they shall give notice in one or more of the newspapers published in this Province.

XXI. And be it enacted, That the books, papers, correspondence and funds of the said Corporation shall at all times be subject to the inspection of the directors, but no stockholder nor a director shall inspect the account of any individual with the said Corporation.

XXII. And be it enacted, That all the bills or notes issued by the said Corporation shall be signed by the president for the time being, and countersigned and attested by the cashier, and shall be printed and made in steel plates; and all bills or notes so signed and countersigned shall be binding on the said Corporation, and payable in specie at the said Bank: Provided always, that all the notes issued by the persons incorporated by this Act, and their associates, composing and comprising the Joint Stock Company hereby incorporated, shall be binding and obligatory on this Corporation, and payable and redeemable in the same manner as notes issued by the Corporation.

XXIII. And be it enacted, That the said Corporation shall be liable to pay to any bona fide holder the original amount of any note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

XXIV. And be it enacted, That the said Bank shall be kept and established at Fredericton, or at such other place as the board of directors may think it necessary to remove the said Bank on account of any great emergency for the security thereof.

XXV. And be it enacted, That no loan be made by the said Bank on the pledge of its own stock, and that the aggregate of all the debts due to the said Bank from the directors thereof, as principals, endorsers or sureties, shall not at any one time exceed thirty three and one third per centum of the capital stock.

XXVI. And be it enacted, That the directors shall at the general meeting to be held on the — in every year lay before the stockholders for their information an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of bank notes then in circulation, the amount of gold and silver on hand, and the amount of such debts as are in their opinion bad or doubtful, also the surplus or profits (if any) remaining after deduction of losses and provisions for dividends, which statements shall be signed by the directors and attested by the cashier, and a duplicate statement so 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: 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.

XXVII. And be it 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 full access to the books and vaults of the same.

XXVIII. And be it enacted, That any number of stockholders, not less than twelve, who together shall be proprietors of five hundred 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 two of the newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the directors or any

of them shall have the like power at any time upon observing the like formalities to call a general meeting as aforesaid.

XXIX. And be it enacted, That on any dissolution of the said Corporation, immediate and effectual measures shall be taken by the directors then in office for closing all the concerns of the said Corporation and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests; and in case any bills issued by the said Corporation shall remain unpaid the holders of stock in said Corporation as well as those who were stockholders at the time of the notice of said dissolution (which said notice shall take place by a publication of their intention so to do in the Royal Gazette twelve months previous to the said Corporation being allowed to carry the same into effect), shall be chargeable in their private and individual capacity for the payment and redemption thereof in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the eighteenth section of this Act: Provided however, that this liability shall continue for two years only from after the notice of such dissolution.

XXX. And be it enacted, That the cashier of the said Bank shall semi-annually, that is to say, on the Monday, preceding the first Tuesday in — and the Monday preceding the first Tuesday in — in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and in case of the sickness or unavoidable absence of the said cashier, then and in such case it shall and may be lawful for the said cashier to make the said return so soon after the time and times required by this section as he possibly can; and shall forthwith transmit the same to the office of the Secretary of the Province, which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein, and the said return shall be made in the following form, viz.:

FORM OF RETURN.

State of — Bank on the — day of — 18—, 3 o'clock, P. M.

DUE FROM BANK.

Bills in circulation
Net profits on hand
Balance due to other Banks
Cash deposited including all sums whatever due from the Bank not bearing interest, its bills in circulation, profits and balances due to other Banks excepted

Cash deposited bearing interest
Total amount due from the Bank

RESOURCES OF THE BANK.

Gold, silver and other coined metals in its banking house
Real estate
Bills of other Banks incorporated in this Province

Balances due from other Banks
Amount of all debts due, including notes, bills of exchange, and all stock and funded debts of every description, excepting the balances due from other Banks

Total amount of the resources of the Bank
Date and amount of the last dividend and when declared

Amount of the profits at the time of declaring the last dividend
Amount of debts due and not paid and considered doubtful

Which return shall be signed by the cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths to the truth of said return according to the best of his knowledge and belief; and the cashier of the said Bank shall also make return under oath whenever required by the Legislature of the names of the stockholders and the amount of stock owned by each; and a majority of the directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the said cashier, that the books of said Bank indicate the state of facts so returned by their cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province as soon after the opening of any Session thereof as practicable one of such respective returns as he may have received since the then last previous Session.

XXXI. And be it enacted, That the cashier or acting cashier for the time being shall on each and every discount day furnish a true list to the President or chairman of the said Bank of all delinquent promisors, endorsers and sureties made up to three o'clock in the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the president or chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the board of directors; and in case the name of any director shall appear on such delinquent sheet, either as promisor, endorser or surety, it is hereby declared illegal for such director to sit at the board or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

XXXII. And be it enacted, That in the event of any director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such director from holding his seat, and it shall be the duty of the president and other directors forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth section of this Act, as in the case of death or absence from the Province.

XXXIII. And be it enacted, That this Act shall continue and be in force until the first day of June which will be in the year of our Lord one thousand eight hundred and fifty eight.