



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. xiv.

An Act for granting certain Powers to the *New Brunswick and Nova Scotia Land Company.*

[22d *May* 1834.]

WHEREAS His present Majesty, by Letters Patent bearing Date at *Westminster* the Twentieth Day of *February* in the Fourth Year of His Reign, after reciting that divers Persons had united together to establish a Company for purchasing, improving, settling, and disposing of Lands in the Provinces of *New Brunswick, Nova Scotia* including *Cape Breton*, and *Prince Edward's Island*, in *North America*, and their Dependencies, hath granted, ordained, and appointed that *John Labouchere* and *Edward Blount* Esquires, *Sir John Burke* Baronet, *John Bainbridge*, *George Henry Hooper*, *Ambrose Humphrys*, *Joseph Kay*, *John Francis Maubert*, *John Moxon*, *David Stewart*, *Lestock Peach Wilson*, and *John Wright*, Esquires, together with such other Persons as had become or should thereafter become Subscribers for or Proprietors of the Capital Stock therein-after mentioned of the said Company, and their respective Executors, Administrators, and Assigns, and such other Person or Persons as should from Time to Time be possessed of or entitled to any Part or Share of the Joint Stock of the said Company,

Letters Patent, dated 20th Feb. 1834.

[*Local.*]

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should be One Body Politic and Corporate in Deed and in Name by the Name of "The *New Brunswick and Nova Scotia Land Company*," and by that Name should and might sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in whatsoever Courts and Places, whether of Law or Equity, and before any Judges, Justices, or Officers of His said Majesty, His Heirs or Successors, in all and singular Actions, Pleas, Suits, Complaints, Matters, and Demands, of what Kind or Quality they should be, in the same Manner and Form and as fully and amply as any of His said Majesty's Subjects of the United Kingdom of *Great Britain and Ireland* might or could; and that the said Company should and might have and use a Common Seal for the Affairs and Business of the said Company, and by the Name of the *New Brunswick and Nova Scotia Land Company* have perpetual Succession; and in and by the said Letters Patent it is declared that the said Corporation was established for the Purpose of purchasing, holding, improving, clearing, settling, and cultivating, letting, leasing, exchanging, selling, and disposing of waste Lands, and other Lands, Tenements, and Hereditaments in His said Majesty's Provinces of *New Brunswick, Nova Scotia* including *Cape Breton*, and *Prince Edward's Island*, in *North America*, and the Dependencies of the said Provinces, and for such Purposes His said Majesty did declare and grant that it should be lawful for the said Company to lay out and invest their Capital, or so much thereof as might be necessary, in purchasing, surveying, clearing, improving, and preparing for Occupation such Lands, Tenements, and Hereditaments as might be granted by His said Majesty, His Heirs and Successors, to them or their Successors, or which might be purchased or acquired by them or their Successors, within the said Provinces in *North America* and their Dependencies, and in or upon any such Lands to make, form, erect, and build Roads, Canals, Drains, Bridges, and other internal Communications, Houses, Schools, Chapels, Mills, Wharfs, and other Buildings and Works necessary or expedient for the Occupation, Planting, and profitable Cultivation or Improvement of any such Lands, and also to contract for, purchase, and export, sell and dispose of, all such Merchandize, Matters, and Things as might be necessary for the Cultivation, clearing, and improving or Occupation of the said Lands, and to import and receive, sell and dispose of all Goods and Merchandize which might be consigned or remitted to them from such their Lands, or in Payment and Satisfaction of any Rent or Purchase Money arising from the Occupation or Sale of any such Lands, and to purchase, hold, hire, build, and charter Ships and other Vessels for the Purposes of conveying and transporting Persons willing and desirous to emigrate to His Majesty's said Provinces and their Dependencies, and also of exporting such Merchandize, Matters, and Things, and importing such Goods and Merchandize and Produce from or to His Majesty's said Provinces and their Dependencies to or from any other Place or Places; and His said Majesty did thereby further declare and grant that it should be lawful for the said Company to open, search for, win, and work in or under any of their said Lands any Mines, Pits, Beds, Veins, and Seams of Copper, Tin, Lead, Iron, Iron Ore, Stones, Clay, and all other Ores, Minerals, Metals, Metallic Substances, Matters, and Products, other than and except Gold and Silver, and also other than and except Coal and Culm, unless such Coal and Culm should at

any Time or Times thereafter be granted or demised to them by His said Majesty, His Heirs or Successors, or should be by them acquired from any Person or Persons to whom such Coal and Culm might have been so granted or demised, in which Cases it should be lawful for the said Company to open, search for, win, and work any such Coal or Culm in the Manner authorized by such Grants and Demises respectively, the said Company paying the Rent or Rents, Royalty or Royalties, and performing and fulfilling the Covenants, Agreements, and Conditions in such Grants or Demises reserved and contained, and which on their Part or Behalf ought to be paid, observed, and kept, and for the several Purposes aforesaid to do all such Acts, Deeds, Matters, and Things as might be necessary for effectually opening, carrying on, and working all or any of such Mines or the Works connected therewith according to their Rights and Interests under such Grants and Demises respectively; and that it should be lawful for the said Company to receive Monies and other Deposits of Emigrants, Settlers, and other Persons in or proceeding to or from His Majesty's said Provinces, for the Purpose of transmitting the same from or to His Majesty's said United Kingdom to or from His said Provinces, or from or to any of His Majesty's said Provinces to or from any other or others of His Majesty's said Provinces; and also that it should be lawful for the said Company to make Loans and Advances of Money to Emigrants, Settlers, and others resident within His Majesty's said Provinces in *North America* and their Dependencies, upon the Security of Lands, Tenements, and Hereditaments situate within the said Provinces or their Dependencies, or upon such other legal Security within His Majesty's said Provinces or their Dependencies as to the said Company should appear satisfactory; and also to contract for the Performance of, and, if accepted, to undertake and execute, any Public Works which might be undertaken by His said Majesty, His Heirs or Successors, or by the Governor, Lieutenant Governor, or Person administering the Government, or by any Person or Persons duly authorized in that Behalf in any of His Majesty's said Provinces and their Dependencies, and to do all such Things and to enter into all such Agreements as might be necessary for the Purpose of executing such Works and Undertakings as aforesaid; and His said Majesty did thereby further give and grant to the said Company His Royal Licence to purchase and take, have and hold to them and their Successors, any Lands, Tenements, and Hereditaments whatsoever within His Majesty's said Provinces and their Dependencies, as well of His said Majesty, His Heirs and Successors, as of His Grantees, Tenants, or any other Person or Persons who then or thereafter might hold in any other Manner or by any other Title; and also to purchase and take, have and hold to them and their Successors, any Freehold, Copyhold, or Leasehold Lands and Tenements within His said Majesty's United Kingdom, any Rights, Penalties, or Forfeitures which might otherwise by the Statutes of Mortmain, or any other Statute, Law, Custom, or Usage, accrue to His said Majesty, His Heirs or Successors, or be incurred by the said Company notwithstanding, but so that the whole of the Lands and Tenements which the said Company should at any one Time hold and possess within His Majesty's said United Kingdom should not at any one Time exceed the yearly Value of One thousand Pounds; and in and by the said Charter it is declared and ordained that the present Capital
or

or Joint Stock of the said Company to be used and applied in establishing and carrying on the said Undertaking, and for the Purposes aforesaid, should be a Sum not exceeding Two hundred thousand Pounds Sterling; and in the said Letters Patent are contained divers other Clauses, Regulations, Powers, and Authorities for the better Management and carrying into effect the Business, Purposes, and Objects of the said Company, and for increasing the Capital of the said Company, if deemed advisable, by raising the further Sum of Two hundred thousand Pounds: And whereas the Objects for which the said Company is established will, it is considered, tend to the Public Benefit, as well by promoting Emigration as by bringing into Cultivation large Tracts of waste Land in the said Provinces and their Dependencies: And whereas additional Powers and Provisions are necessary to enable the said Company to carry into full Effect the several Purposes declared in the said Charter, but which cannot be obtained without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Shares of the Subscribers for or Proprietors of as well the said original Capital Stock of the said Company as also the Shares of the Subscribers for or Proprietors of the said additional Capital of the said Company, in case the same or any Part thereof shall be raised by virtue of the Power or Authority for such Purpose contained in the said Charter, (and which said Charter, with the several Clauses, Powers, Provisoos, Authorities, Matters, and Things therein contained, is intended to be and is hereby ratified and confirmed,) and all the Profits and Advantages of such Shares respectively shall be deemed and considered to be of the Nature of and shall be Personal Estate, and be transmissible as such accordingly.

Shares to be deemed Personal Estate.

To compel Payment of Subscriptions.

II. And whereas in and by the said Charter it is declared and ordained that the several Persons who had subscribed or should subscribe for or towards the said Capital, or who should at any Time thereafter have or hold any Share or Shares in the same, should and they were thereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as should from Time to Time be called for pursuant to or by virtue of the Powers and Directions of the said Charter, at such Times and Places, to such Person or Persons, and in such Manner as should be ordered and directed by any Court of Directors for the Time being of the said Company; be it further enacted, That in case any Person or Persons shall neglect or refuse to pay any such Sum or Sums of Money at such Times and in such Manner as shall be ordered and directed by the Court of Directors as aforesaid, it shall be lawful for the said Company to sue for and recover the same, together with lawful Interest from such appointed Time of Payment, from such Person or Persons, or in Cases where Two or more Persons shall have jointly subscribed for or be jointly possessed of any Share or Shares of the said Capital Stock of the said Company, then from all, any, or either of such Persons.

III. And

III. And whereas in and by the said Charter it is further declared and ordained that all Transfers of any Share or Shares of and in the Capital Stock of the said Company should be registered by the sitting Director, Clerk, or other authorized Officer of the said Company in a Book to be kept by the said Company for that Purpose, and the Registry thereof should specify the Dates, Names of Parties, and Amount of Stock transferred, and a Fee should be paid to and for the Use of the said Company not exceeding Two Shillings and Sixpence for every such Registry, to be from Time to Time fixed by the Court of Directors; and until such Transfer should be registered in the Books of the said Company in manner aforesaid no Person or Persons claiming any Interest in such Share or Shares of and in the said Capital Stock by Purchase or otherwise should be deemed the Proprietor or Proprietors of such Stock, or should be entitled to any Dividend or beneficial Interest in the said Capital Stock in respect thereof, nor until Six Calendar Months after such Transfer should have been made and registered as aforesaid be entitled to vote at any Meeting or Meetings as Proprietor or Proprietors of the said Company in respect of such Share or Shares of and in the said Capital Stock; be it therefore further enacted, That every such Transfer shall or may be in the Form or to the Effect following; (that is to say,)

Form of Transfer.

‘ I [or We] of in consideration
 ‘ of paid to me [or us] by
 ‘ of do hereby bargain, sell, assign, and transfer unto
 ‘ the said the Sum of
 ‘ Capital Stock of and in the Undertaking called the *New Brunswick* and
 ‘ *Nova Scotia* Land Company, to hold to the said
 ‘ his Executors, Administrators, or Assigns, subject to the same Rules,
 ‘ Orders, and Regulations, and on the same Conditions, that I [or we]
 ‘ held the same immediately before the Execution hereof; and I [or we]
 ‘ the said do hereby agree to accept and take the
 ‘ said Sum of Stock, subject to the same Rules,
 ‘ Orders, Regulations, and Conditions. As witness our Hands and Seals
 ‘ this Day of in the Year of our Lord .’

Or such Transfer shall be in some other convenient Form to be devised by the Directors of the said Company for the Time being; and every such Transfer shall be duly executed by the Transferrer or Transferrers and the Transferree or Transferrees, or by some Person or Persons by him, her, or them lawfully authorized; and every such Transfer so to be executed as aforesaid shall effect the Transfer of such Share or Shares of and in the said Capital Stock, and shall convey the whole Estate and Interest therein of the Person or Persons so transferring or authorizing the same to be transferred to the Person or Persons so taking or accepting the same, which Person or Persons shall, subject to the Regulations or Directions in the said Charter and herein contained, thereby forthwith become in all respects Members of the said Company in respect of such Share or Shares of and in the said Capital Stock in the Place of such Person or Persons so transferring the same or authorizing the same to be transferred.

IV. And be it further enacted, That no Assignment or Transfer shall be made or entered in the Book or Books of the said Company of or concerning
 [Local.] 3 X No Transfer of less than 50% Stock,

nor for any
fractional
Part of 50*l.*

cerning any smaller Sum of the Capital Stock of the said Company heretofore subscribed or hereafter to be subscribed as aforesaid than Fifty Pounds, nor for any Sum exceeding Fifty Pounds which shall contain beyond that Sum any fractional Part of the Sum of Fifty Pounds thereof, so that every Transfer shall be for One or more entire Sum or Sums of Fifty Pounds; and any and every such Assignment or Transfer which shall or may at any Time or Times hereafter be attempted to be made, and shall happen to be so entered of or concerning any such smaller or less Sum of the said Capital Stock than Fifty Pounds thereof, or for any Sum exceeding Fifty Pounds which shall contain beyond that Sum any fractional Part of the Sum of Fifty Pounds thereof, shall be utterly null and void, any thing in this Act contained to the contrary notwithstanding.

After a Call,
no Share to
be sold until
Call shall be
paid.

V. And whereas in and by the said Charter it is provided and declared and ordained, that after any Call for Money should have been made by virtue of the said Charter no Person or Persons should sell or transfer any Share or Shares which he, she, or they should possess in the Capital Stock of the said Company until the Money so called for in respect of his, her, or their Share or Shares intended to be sold should be paid, and notwithstanding the Time appointed for the Payment thereof might not have arrived; and it is in and by the said Charter further declared, that the Directors therein-after mentioned, or the Directors for the Time being, or such of them as should be present at and constitute a Court of Directors, or the major Part of them, should have full Power to make such Call or Calls for Money from the several Subscribers and Proprietors for the Time being of the said Company, their respective Executors, Administrators, and Assigns, for his, her, or their Share or Proportion of the Capital Stock of the said Company held by him, her, or them respectively, as the said Court of Directors should from Time to Time find wanting and necessary for the Purpose of the said Company, the several Sums of Money so to be called for to be paid to the Bankers of the said Company for the Time being, or to such other Person or Persons and at such Time and Place as should be appointed by the said Court of Directors, of which Time and Place Twenty Days previous Notice at least should be given in the *London Gazette*, and in such Four or more daily Newspapers usually published in the City of *London* or County of *Middlesex*, as the said Court of Directors should direct; and if any Subscriber, Member, or Proprietor of the said Company, his, her, or their Executors, Administrators, or Assigns, should neglect or refuse to pay his, her, or their Part or Portion of the Money for the Time being to be called for by the Court of Directors as aforesaid during the Space of Three Calendar Months next after the Time appointed for Payment thereof, together with lawful Interest from the appointed Time for Payment, then and in every such Case such respective Subscriber, Member, or Proprietor should be subject and liable absolutely to forfeit his or her or their respective Share or Shares of and in the Capital Stock of the said Company, and all Profits and Advantages thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the said Company; and all Shares which should or might be so forfeited should or might, if a Court of Directors of the said Company should so order, at any Time or Times thereafter, be sold out at a public Sale for the most Money.

Money that could be gotten for the same, and the Produce should go to and make Part of the Capital Stock of the said Company, and such Share or Shares so forfeited and sold should be assigned and transferred to the Purchaser by an Instrument under the Common Seal of the said Company; but no Advantage should be taken of such Forfeiture of any Share or Shares in the said Stock until after Thirty Days Notice should be given by the said Directors under the Hand of the sitting Director, or the Secretary, Clerk, or other Officer of the said Company duly authorized by them, to the Owner or Owners thereof, by Notice left at his, her, or their usual or last known Place of Abode, nor unless the same should be declared to be forfeited at some General or Spécial General Meeting of the said Proprietors which should be held not earlier than Three Calendar Months next after the said Forfeiture should happen; and thereupon every such Proprietor or Proprietors so forfeiting, or his, her, or their Executors, Administrators, and Assigns, should be discharged from all Liability, Claims, or Demands to, from, or by the said Company in respect of such Share or Shares; be it therefore further enacted, That after any such Call or Calls shall have been so made as aforesaid, and until the Money so called for in respect of the Share or Shares of any Person or Persons in the Capital Stock of the said Company shall be paid, any such Sale or Transfer of any such Share or Shares shall be of no Effect.

VI. And whereas by the said Charter it is further declared and agreed, that when any Person should claim any Part or Share in the Capital or Joint Stock of the said Company, or the Profits thereof, under or by virtue of any Will or Bequest, or in course of Administration, the Probate Copy of the Will or Letters of Administration, in case the Proprietor should have died intestate, should be produced and shown to the said sitting Director, Clerk, Secretary, or other Officer of the said Company, who should make an Entry in the Book or Books which should be kept for the Entry or Registry of Transfers of Stock of such Will, or of so much thereof as should relate to the Disposition of the Share of the Testator of and in such Stock, or of the Letters of Administration, in case the Proprietor should have died intestate, before any Person or Persons should be entitled to sell and assign such Share, or to claim Payment of any Dividends in respect thereof, or to vote as the Proprietor of such Stock, and there should be payable to the said Company for every such Entry of Will or Letters of Administration a Fee not exceeding Ten Shillings, the Amount of such Fee to be from Time to Time fixed by the Court of Directors; be it further enacted, That no Bequest, Clause, Matter, or Thing contained in any Will under or by virtue of which any Person or Persons shall claim any Part or Share in the Capital or Joint Stock of the said Company, or the Profits thereof, shall bind or affect the said Company with Notice of any Trust or Disposition of any Share or Shares in the Capital or Joint Stock of the said Company, or the Gains and Profits thereof, but the Registry of every Share or Shares of any deceased Proprietor shall be in the Name or Names of the Executor or Executors who shall prove the Will of such Proprietor, or if he shall die intestate, then the Administrator or Administrators of his or her Effects; and the Receipt or Receipts of such Executor or Executors,
Administrator

In case of Death of Proprietors of Shares, the Registry shall be in the Name of the Executor or of the Administrator.

Administrator or Administrators, to the said Company, for the Gains and Profits arising and accruing upon any such Share or Shares, and to any Purchaser or Purchasers for the Amount of the Purchase Money paid upon the Sale and Conveyance of such Share or Shares, shall be good and effectual Acquittances and Discharges for the Monies therein expressed or acknowledged to be received, and shall bind the Cestuique Trusts and all other Persons in anywise claiming under such deceased Proprietor.

Directors may
appoint Com-
missioners.

VII. And be it further enacted, That it shall be competent to the Directors for the Time being under the Common Seal of the said Company to appoint any Person or Persons to be the Commissioner or Commissioners, Agent or Agents of the said Company, in any of the said Provinces, for the Purpose of purchasing or taking on Lease, or of selling, leasing, or disposing of, or contracting to purchase, sell, or take on Lease or dispose of, under the Direction and Control of the Court of Directors in *England*, any Lands or Hereditaments of and for the said Company in the said Provinces and their Dependencies, and also from Time to Time to appoint the same or any other Person or Persons to be the Commissioner or Commissioners, Agent or Agents of the said Company, in the said Provinces, or any of them, under the like Direction and Control of the said Court of Directors in *England*, for generally conducting and managing the Business and Affairs of the said Company in the said Provinces and their Dependencies, or any of them, with the Power of entering into such Contracts for or in behalf of the said Company as the Directors for the Time being lawfully may or can do, and to such Extent and subject to such Restrictions as the Directors shall think fit, and every such respective Appointment from Time to Time to revoke and recal as Occasion may require, and also to appoint and commit to the Custody of such Commissioner or Commissioners, Agent or Agents, so appointed for the Purpose of purchasing, taking on Lease, selling, and disposing of Lands in the Provinces and their Dependencies as aforesaid, a Seal to be approved by the said Directors, and specially used for the Purpose of such Purchases, Sales, Leases, and Contracts in the said Provinces and their Dependencies, as the said Commissioner or Commissioners, Agent or Agents, may be directed to make for the said Company, and the same Seal at their Will and Pleasure to break, change, alter, or make new, as to them shall seem expedient; and such Commissioner or Commissioners, Agent or Agents, shall have Power, in the said Provinces and their Dependencies, to make and execute, under the said Seal so to be committed to him or them respectively as aforesaid, all Manner of Conveyances, Leases, Deeds, and Contracts of or concerning the Lands of the said Company in the said Provinces and their Dependencies, and all Memorials for the Registration or Enrolment of Conveyances, Leases, Deeds, and Contracts relating to the said Lands, in the Name of and for the said Company, according to the Instructions of the said Directors; and such Conveyances, Leases, Deeds, Contracts, and Memorials shall be signed by the said Commissioner or Commissioners, Agent or Agents, to whom such Seal shall be so entrusted as aforesaid, and sealed with such Seal, and shall, when so signed and such Seal affixed, bind the said Company as their own Act and Deed in all respects as if the same were executed under the Common Seal of the said Company in *England*; and the

the said Seal so committed to such Commissioner or Commissioners, Agent or Agents, shall, for the Purposes aforesaid, be taken to be and be the Common Seal of the said Company.

VIII. And be it further enacted, That it shall be lawful for any Artificer, Handicraftsman, Clerk, Mechanic, Gardener, Servant in Husbandry, or other Labourer, not being under the Age of Sixteen Years, by Indenture duly executed, to contract with the said Company faithfully to serve or to proceed to and faithfully serve the said Company in any of the said Provinces or their Dependencies for any Period not exceeding the full Term of Seven Years, to be computed from the Day of the Date of such Indenture.

Artificers, &c. not under the Age of Sixteen, may contract to serve the Company.

IX. And be it further enacted, That it shall and may be lawful for the Court of Sessions, or any Two or more Justices of the Peace in the said Provinces or their Dependencies, or any of them, to hear and determine all Complaints, Differences, and Disputes which shall happen and arise between any such Artificer, Handicraftsman, Clerk, Mechanic, Gardener, Servant in Husbandry, or other Labourer, and the said Company, and to make such Order or Award in every such Case as to such Court of Sessions or Justices respectively shall seem just, and every such Order or Award to enforce by Execution against the Goods, Effects, or other Property of the Party or Parties against whom such Order or Award shall be made.

For settling Differences between Artificers, &c. and the Company.

X. And be it further enacted, That when Judgment shall at any Time be obtained in any Action in any Court or Courts of Law within the United Kingdom of *Great Britain* and *Ireland*, at the Suit of any Person or Persons, Bodies Politic or Corporate, against the said Company or their Successors, an Office Copy of any such Judgment, signed by the proper Officer of the Court in which the same shall be obtained, shall be received and registered in any Court or Courts of Law in the said Provinces of *New Brunswick*, *Nova Scotia* including *Cape Breton*, and *Prince Edward's Island*, in *North America*, as full and conclusive Evidence of such Judgment; and such Writ or Writs of Execution may thereupon issue out of such Court or Courts in *North America* at the Suit of the Plaintiff against the said Company, and their Assets be taken in Execution, and such other Proceedings be had under the said Judgment, in like Manner as if Judgment had been obtained against the said Company at the Suit of such Plaintiff in the Court or Courts of Law in which such Office Copy shall be so received and registered.

An Office Copy of a Judgment obtained against the Company in Great Britain to be Evidence of such Judgment in the Provinces of New Brunswick, &c.

XI. And be it further enacted, That a Copy of His Majesty's Charter of Incorporation, being duly verified on Oath before One of the Masters in ordinary of the High Court of Chancery at *Westminster*, may be transmitted to each of the said Provinces of *New Brunswick*, *Nova Scotia* including *Cape Breton*, and *Prince Edward's Island*, and inrolled in the Supreme Court of every such Province, and such Enrolment shall within each such respective Province be and be deemed and taken to be good and sufficient Evidence of the Contents of such Charter of Incorporation to all Intents and Purposes.

A Copy of the Charter of Incorporation, duly verified and inrolled, to be Evidence in the said Provinces.

Public Act.

XII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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Printers to the King's most Excellent Majesty. 1834.