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No. 70

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate "King's County Board
of Trade."

PRIVATE BILL.

MR. DOMVILLE,

OTTAWA :

Printed by I. B. TAYLOR, 29, 31, and 23, Rideau Street,
1873.

An Act to incorporate "The King's County Board of Trade."

WHEREAS the persons hereinafter mentioned, resident or carrying on business in King's County in the Province of New Brunswick, or in the vicinity thereof, have by their petition represented that they have associated themselves together for some time past, for the purpose of promoting such measures as they have deemed important towards developing the general trade of Canada, and the County of King's in particular; and have further represented that their said association would be more efficient in its operations, should an Act of incorporation conferring certain powers on them and their successors be granted: and whereas it is expedient that the prayer of the said petition be granted; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. James Domville, M.P., of Rothesay; George H. White, Hugh
 15 McMonagle, senior, William Fairweather and Andrew McAfee, of Sussex; Walter B. Scovil and Samuel B. Raymond, of Springfield; John M. Raymond and Edward, J. Baxter of Norton; Samuel Foster and W. P. Flewelling, of Kington; J. Titus and John Woodward of Rothesay; J. Cutler, Upham, and Thomas Morall
 20 of Upham; J. D. M. Keator and John Darling of Hampton; Alfred Markham and John Mills, of Hammond; Murray B. Keith and John C. Price of Havelock; John M. Stockton and John Sheek of Stadholm; D. Warrington Belyea, David Homm, Jeremiah Dolan and John Linton of Westfield; William McLeod and John L. Wilmot
 25 of Greenwich; John W. Cookson and B. Mills of Kars, and such other persons, resident, or carrying on business in King's County, in the Province of New Brunswick, or in the vicinity thereof, as are or shall be associated with the persons above named for the purposes of this Act in the manner hereinafter provided, and their
 30 successors shall be and are hereby constituted a body politic and corporate by the name of the "King's County Board of Trade," and by that name shall have all the general powers made incident to corporations by "*The Interpretation Act*:" Provided always, that the clear annual value of the real and personal estate, together
 35 held by the said corporation at any one time shall not exceed ten thousand dollars: and provided also that the said corporation shall not have nor exercise any corporate powers, excepting such as are expressly conferred on the said corporation by this Act, or are necessary for carrying the same into effect, according to its
 40 true intent and meaning.

Corporate name and powers. Proviso as to real and personal estate.

Proviso as to corporate powers.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to extend and promote the just and lawful trade of Canada generally and of the County of King's more especially, or as may be necessary
 45 for attaining the objects for which the said corporation is instituted according to the intent and meaning of this Act.

Application of funds.

- Domicile.** 3. The legal place or places of meeting of the said corporation, as designated by by-law of the council, shall be held to be the legal domicile thereof; and service at such place or places of any notice or process of any kind addressed to the said corporation, shall be held to be sufficient service of such notice or process on the corporation. 5
- Service of process.**
- Council of Corporation** 4. For the management of the affairs and business of the said corporation, there shall be a council to be called "The Council of the King's County Board of Trade" which shall until the first election hereinafter mentioned, consist of a President, a Vice-President and twenty-nine other members of the council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said corporation. 10
- Provisional President, Vice-President and members of board.** 5. The said James Domville shall be the President, the said George H. White the Vice-President; and the said Hugh Mc-Monagle, senior, William Fairweather, Andrew McAfee, Walter B. Scovil, Samuel B. Raymond, John M. Raymond, Edward J. Baxter, Samuel Foster, W. P. Flewelling, J. Titus, John Woodward, J. Cutler, Upham; Thomas Morall, J. D. M. Keator, John Darling, Alfred Markham, John Mills, Murray B. Keith, John C. Price, John M. Stockton, John Sheek, D. Warrington Belyca, David Homm, Jeremiah Dolan, John Linton, William McLeod, John L. Wilmot, John W. Cooksen, and B. Mills the other members of the council, until the first election to be had under provisions of this Act; and the council hereby appointed shall, until the said election, have all the powers assigned to the council of the said corporation by this Act. 25
- Annual meeting and election of officers and board.** 6. The members of the association shall meet annually at some place within the County of King's, of which due notice shall be given by the council for the time being of each year; and they or a majority of them shall then and there elect by ballot from among the members of the association, one President, one Vice-President, and _____ other members of the council; and the council so constituted shall, at their next meeting thereafter, choose from among the members of the association, six other persons to be members of the said council, making such choice in such manner that, as far as may be, the principal branches of trade and commerce carried on within the County of King's shall be represented therein; and the President, Vice-President and members so elect and chosen shall form the council of the said association, and shall hold their office until others shall be elected at the next annual meeting, or until they shall be removed from office, or shall vacate the same under the provisions of any by-law of the association; Provided always, that if the said election shall not take place in the month of _____ in any year, such election may be had at any general meeting of the association to be called in manner hereinafter provided, and the members of the council then in office shall so remain until such election shall be had. 30 35 40 45
- Term of office.**
- Proviso in case of failure of election.**
- Vacancies how filled.** 7. If any member of the council shall die, resign his office, or be absent for six months continually from the said province, it shall be lawful for the said corporation, if they shall see fit at any general meeting, to elect a member of the corporation to be a member of the council in the place of the member so dying, or resigning or being absent; and the member so elect shall hold office until the next election, and no longer, unless re-elected. 50

8. At any annual or general meeting of the corporation any six or more members shall form a quorum, and shall be competent to do and perform all acts which, either by this Act or by any by-law of the corporation, are or shall be directed to be done at any such general meeting.

Quorums at general meetings.

9. Any member of the said corporation intending to retire therefrom or resign his membership may at any time do so, upon giving to the Secretary ten days' notice of such intention in writing, and discharging any lawful liability which may be standing on the books of the said corporation against him at the time of such notice.

Retirement of members.

10. It shall be lawful for the said corporation, or the majority of those present, and being a quorum at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion, or the retirement of members, and for the management of its council, officers and affairs, and the guidance of the Board of Arbitration hereinafter mentioned, and all other by-laws in accordance with the requirements of this Act or the laws of Canada as such majority may deem advisable; and such by-laws shall be binding on members of the said corporation, its officers and servants, and all other persons whomsoever, lawfully under its control.

Power to enact by-laws for certain purposes.

11. Each and every person resident in the County of King's, being or having been a merchant, trader, mechanic, resident, director or manager of a bank, or insurance agent in the said county shall be eligible to become a member of the said corporation; provided always, that any other person whomsoever shall be eligible to be proposed and balloted for as a member, and to become a member of the said corporation as aforesaid, in case such person shall be recommended by the council of the Board of Trade at any such meeting.

Who may become members of the corporation.

Proviso as to others.

12. It shall always be lawful for the President or the council of the corporation by at least nine days' notice being given in two newspapers published in New Brunswick, to call a general meeting of the corporation for any of the purposes of this Act. It shall be the duty of the President upon a requisition to that effect in writing, signed by at least five members of the council, to call a general meeting of the corporation for the purposes stated in such requisition.

Extraordinary general meetings how called.

13. The said council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-laws of the corporation, except only the power of enacting or altering any by-law, which shall be done in the manner provided by this Act, and no other; and any five or more members of the council lawfully met, (and of whom the President or Vice-President shall be one), shall be a quorum; and any majority of such quorum may do all things within the power of the council; and at all meetings of the said council, and at all general meetings of the corporation, the President, or in his absence the Vice-President, or if both be absent any member of the council then present who may be chosen for the occasion, shall preside, and in all cases of equality of votes, shall have a double or casting vote.

Additional powers of the council under by-laws.

Meetings of the council.

Who to preside.

Casting vote.

14. It shall be competent to the said council to appoint, and from time to time to remove and reappoint a secretary and

Secretary and treasurer.

Special meetings.

treasurer of the board, and to hold meetings from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act or by the by-laws of the corporation be assigned to them; and such meetings of the council shall be convened by the secretary at the instance of the President or at the request of any two members of the council or by the said President or members, in case there shall be no secretary, or in case the secretary for the time being shall neglect or refuse to summon any such meeting. 5

By-laws to be framed and submitted for adoption.

15. It shall be the duty of the council hereby appointed, so soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as they shall consider best adapted to promote the welfare of the corporation and the purposes of this Act, and to submit the same for adoption to a general meeting of the corporation called for the purpose, in the manner hereinbefore provided. 15

Subscriptions how paid or recovered.

16. All subscriptions of members due to the corporation under any by-law by any person bound thereby, and all other sums of money due to the corporation shall be paid to the treasurer thereof, and in default of payment may be recovered in any action brought by him in the name of the corporation in any court of competent civil jurisdiction. 20

Meetings and minutes of proceedings.

17. The meetings of the members of the council shall be open to all other members of the corporation, who may attend at the same, but who shall take no part in any proceedings thereat, and minutes of the proceedings of all such meetings, and of all general meetings of the corporation shall be entered in the register to be kept for that purpose by a person or persons appointed to keep the same, and the entry shall be signed by the secretary, and such register shall be open at all reasonable hours to any member of the corporation free of any charge, and also to all other persons, on payment of a fee of twenty cents to the officer having charge of the register. 25

Minutes to be opened to all persons.

Board of Arbitration.

18. At the same time and times as are hereby appointed for the election of the council, and in the same manner, it shall be lawful for the members of the said corporation to elect from among their number six persons who shall be called "the Board of Arbitration", and any three of whom shall have the power to arbitrate upon, and to give their award in any commercial case of difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree and bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said board of arbitration, such submission shall be understood to be made to any three members of the said board, who may, either by the special order of the Board or by virtue of any general rule adopted by them or under any by-laws of the corporation with regard to the consideration of cases so submitted to them, be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said board; and any such submission shall be in the form of the schedule of this Act, or in other words to the same effect. 35 40 45 50

Powers and duties.

Members of arbitration to be quorum.

19. The several members of the said board of arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the corporation, an oath that they will faithfully, impartially and diligently perform their duties as members of the said board of arbitration, and will, in all cases 55

submitted to them, give a true and just award according to the best of their judgment and ability, without fear, favor or affection of or for any person or party whomsoever, and this oath shall be kept among the documents of the corporation.

5 20. Any member of the council of the corporation may be at the same time a member of the said board of arbitration. Member of council may be arbitrator.

21. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them shall have full Powers of arbitrators.
 10 power to examine into the facts of such case, and to examine on oath (which oath any one of such three members is hereby em- May examine witnesses under oath.
 15 powered to administer) any party or witness who appears voluntarily before them, and shall be willing to be so examined, and shall give their award thereupon in writing; and their decision or that of any two of them given by such award shall bind the parties according to the terms of the submission and to the provisions of this Act.

22. Any person, who may by law, in other cases make a solemn affirmation instead of taking an oath, may make such solemn affir- Affirmation allowed instead of oath.
 20 mation in any case when by this Act an oath is required; and any person hereby authorized to administer an oath, may in such case as aforesaid administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely in any case where an oath or Perjury
 25 solemn affirmation is by this Act requested or authorised, shall be guilty of wilful and corrupt perjury.

23. Nothing in this Act shall affect the rights of Her Majesty, her heirs or successors, or any party or person whomsoever, such rights only excepted as are herein expressly mentioned and Saving of rights of the Crown.
 affected.

SCHEDULE.

FORM OF SUBMISSION TO THE AWARD OF THE BOARD OF ARBITRATION.

KNOW all men that the undersigned
 30 and the undersigned (*if there be more parties, that is more separate interests, mention them*), having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves, under a penalty of
 , to perform the award to be made by the Board of
 35 Arbitration in the case aforesaid, under the penalty aforesaid to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In witness whereof the parties have hereunto interchangeably set their hands at _____ on the
 40 day of _____

FORM OF OATH TO BE TAKEN BY THE MEMBERS OF THE BOARD OF ARBITRATION.

I swear that I will faithfully, impartially, and diligently perform my duty as a member of the Board of Arbitration of the King's County Board of Trade, and that I will in all cases in which I shall act as Arbitrator give a true and just award, according to the
 45 best of my judgment and ability, without fear, favor, or affection of or for any party or parties whomsoever. So help me God.