

‘ And whereas doubts have arisen as to the power and authority of His Excellency the Lieutenant Governor of this Province to carry into full effect the stipulations contained in the said recited Fourth Article of the said Treaty, in consequence of the provisions of an Act of the General Assembly of this Province made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the support of the Civil Government in this Province;*’

8 W. 4, c. 1.

Governor authorized to pass Grants &c. necessary to effectuate the fourth article of the Treaty.

I. Be it therefore enacted by His Excellency the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to pass any grant, release or other conveyance, in the name of Her Majesty, that may be deemed necessary to carry into full effect every and all the stipulations mentioned and contained in the said recited Fourth Article of the said Treaty, so far as may relate to any such grant or release.

Grants to be good, Act 8 W. 4, c. 1, notwithstanding.

II. And be it enacted, That any such Grant so passed shall be good and effectual to all intents and purposes, any thing in the said recited Act to the contrary thereof in any wise notwithstanding.

Suspending clause.

III. And be it further enacted, That this Act shall not come into operation until Her Majesty's Royal approbation be thereunto first had and declared.

[*This Act was finally enacted, ratified and confirmed by Order of Her Majesty in Council, dated 3d September, 1844, and published and declared in the Province on the 25th day of September, 1844.*]

## CAP. XLIX.

An Act to incorporate the Arestook Boom Company.

*Passed 13th April 1844.*

Preamble.

‘ **W**HEREAS the erection of a Boom at the mouth of the Arestook River will be convenient and advantageous to the Commercial interests of the Province;’

Company incorporated.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William J. Bedell, Charles R. Upton, Thomas E. Perley, Nelson Terney, their Associates, Successors and Assigns, be and they are hereby created and declared to be a Body Politic and Corporate, by the name of ‘The Arestook Boom Company,’ and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting, building and maintaining a Boom across the Arestook River, below the Falls in the said River, to secure the Timber, Logs and other Lumber floating down the same.

Authority given to erect a Boom across the Arestook River.

II. And be it enacted, That the said Corporation may erect and maintain a Boom across the said Arestook River, at some convenient place below the Falls thereof, for the purpose of stopping and securing Timber, Logs, Masts, Spars and other Lumber floating upon the said River, and may erect certain Piers and Booms such as they may think necessary; provided that the said Booms be so constructed as to admit the passage of rafts and boats, and preserve the navigation of the River; but no person shall be allowed at any time to encumber the said Boom either with rafts of Timber, Logs or other Lumber, nor be allowed a passage through the same with such rafts, when the opening of the Boom for that purpose would endanger the safety of any Timber, Logs or other Lumber contained therein.

Act not to authorize the use of private property without consent.

III. And be it enacted, That nothing in this Act shall authorize or be construed to authorize the said Corporation to enter upon the lands or use the private

private property of any person or persons for the purpose of erecting or securing the said Boom, without their consent first had and obtained for that purpose.

IV. And be it enacted, That it shall be the duty of the Corporation to cause the passage ways or open spaces in said Boom to be carefully guarded, so that no Lumber be permitted to escape, to raft all the Timber and Logs, Masts and other Lumber, safe and securely in joints loaded suitably for the navigation of the River Saint John, for Pine Timber with two good boom poles at least, and hard wood pins, said joints to be of the size as are commonly made, and to secure the same below the Boom ten hours; and if the owner or owners, on the expiration of the time aforesaid, have not removed or taken charge of the same by putting his or their ropes thereon, the Corporation may remove or secure the same in some convenient place, and the owner or owners shall pay such expenses as may arise in the removal or securing the same; and should any person suffer loss in consequence of the neglect or carelessness of the said Corporation or their Agent or Agents, they shall be accountable for such loss; the said Corporation shall cause the Timber, Logs or other Lumber to be rafted without any unnecessary delay as soon after it comes into the Boom as possible, the same Corporation not being bound to drive any Timber, Logs or other Lumber into the Boom that may be aground above it.

Duty of the Corporation in respect of securing the Boom and rafting and driving Timber.

[Liability for carelessness.]

V. And be it enacted, That when it shall be found absolutely necessary for the more speedy conveyance of the Timber to market to open the Boom and drive the Timber down the River Saint John before being rafted, which shall be determined by the majority of votes of the Timber holders, each owner having two hundred and fifty tons shall be entitled to one vote, and in like proportion for any greater quantity, and no person to have more than twenty votes, the quantity of each individual's Timber to be determined by the Survey that has been first made; but when any dispute shall arise as to the quantity of the Timber claimed by each person before voting upon the same shall make oath before one of Her Majesty's Justices of the Peace to the quantity so surveyed; and should a majority of the votes of the Timber holders be in favor of opening the said Boom, then it shall be the duty of the said Corporation to open the said Boom, and to turn out said Timber and other Lumber into Saint John River, for which service they, the said Corporation, shall receive the sum of two pence per Ton for Boomage only, to be ascertained by the next Survey made by any qualified Surveyor of Lumber.

In what circumstances the Boom shall be opened and Timber driven into St. John River.

Fees.

VI. And be it enacted, That if any person or persons shall wilfully injure or destroy the said Boom or any of the Piers thereof, such person or persons so offending, shall upon conviction thereof before any two of Her Majesty's Justices of the Peace for the County of Carleton, forfeit and pay a sum not exceeding ten pounds, with costs of prosecution, to be levied by Warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, to the offender or offenders, and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for said Justices to issue their Warrant to commit such offender or offenders to the Common Gaol of the County, there to remain without Bail or Mainprize for such period as may be specified in such Warrant, not exceeding one day for every two shillings of such penalty.

Wilfully injuring Boom or Piers.

Penalty.  
Recovery.

VII. And be it enacted, That there be allowed to the Corporation a Toll or Boomage upon all Timber and other Lumber thus boomed, rafted and secured as aforesaid, the sum of one shilling per ton upon all Timber, and the sum of two shillings and six pence per thousand superficial feet of other Lumber, and that the said Corporation shall have a lien on all Timber and other Lumber thus boomed

A Boomage allowed to be charged.

Lien.

Marks on Timber to be furnished to the Corporation.

Disposition of unclaimed Timber.

Act to be void if Boom be not erected within two years, and Certificate, &c. filed in Secretary's Office.

Limitation.

Suspending clause.

boomed and rafted for the payment of all such Toll or Boomage and other expenses; each person or persons owning Timber or other Lumber to furnish to the Corporation or their Agent a proper and correct description of his or their several marks before the same comes into the Boom; the Corporation not bound to secure or take care of any Timber or Lumber until the mark is so furnished: If no owner appears to claim Timber or Lumber so coming into the Boom, it may after twenty days notice be sold, and if within two years the owner should appear and prove to the satisfaction of the Court of Common Pleas, he may receive the net proceeds after deducting Toll and other expenses; but if not proved and claimed within two years, the proceeds to belong to the Corporation; all Timber and other Lumber to be measured by a sworn Surveyor legally appointed, the expenses to be borne equally alike by both parties.

VIII. Provided always, and be it enacted, That unless a good and sufficient Boom be actually erected as contemplated by the provisions of this Act, and a certificate of the said erection signed and verified on oath by the Directors or Managers of the said Corporation, which oath any Justice of the Peace may administer, shall be filed in the Office of the Secretary of the Province before the expiration of two years after the passing of this Act, the operations of this Act shall cease, and the existence of the said Corporation is terminated at the expiration of the said two years.

IX. And be it enacted, That this Act shall continue and be in force until the first day of August which will be in the year of our Lord one thousand eight hundred and forty eight, and then to be subject to such amendments as the Legislature shall think proper to make.

X. And be it enacted, That this Act shall not go into operation until Her Majesty's Royal approbation be thereunto had and declared.

[*This Act was finally enacted, ratified and confirmed by Order of Her Majesty in Council, dated 3d September, 1844, and published and declared in the Province the 25th day of September, 1844.*]

## CAP. L.

An Act for the relief of the Reverend Samuel D. Rice.

*Passed 13th April 1844.*

Preamble.

‘ **W**HEREAS the Reverend Samuel D. Rice has made it appear by his ‘ Petition that he is a regularly ordained Wesleyan Minister in full ‘ connexion with the British Conference of Wesleyan Methodists originally ‘ established by the Reverend John Wesley, A. M., that he came to this Province ‘ when he was about four years of age, and has resided in the Province ever since; ‘ that his father has been naturalized; that he is by education and affection a ‘ British Subject, and has enjoyed the immunities of a British Subject; that by the ‘ first section of an Act made and passed in the fourth year of the Reign of His ‘ late Majesty King William the Fourth, intituled *An Act to extend the privilege of ‘ solemnizing Marriage to all Ministers or Teachers of the several Religious Congre- ‘ gations in this Province*, His Excellency the Lieutenant Governor or Commander ‘ in Chief for the time being is authorized, under certain provisions in the said Act ‘ contained, to licence the Ministers or Teachers of any Denomination of Christians ‘ in this Province to solemnize Marriage, provided the Minister or Teacher applying ‘ for such Licence is a British born Subject not engaged in any secular calling: ‘ And whereas it is deemed just and equitable under the peculiar circumstances ‘ of his case, to enable His Excellency the Lieutenant Governor or Administrator ‘ of