

the said Company shall have power to establish an agency in London for the transaction of business with reference to the said shares in class A, subject to such rules and regulations as shall be prescribed by the bye laws of the said Company.

And establish an agency in London.

VI. And be it enacted, That whenever it shall be necessary to move any of the Officers or Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia, or Police Force, by the said Saint Andrews and Quebec Railway, or any of its Branches, the Directors thereof shall and they are hereby required to provide conveyances for the said Military, Marine, and Police Forces respectively, with their Baggage, Stores, Arms, Ammunition and other necessaries and things, at such time or times, whether the same shall be the usual hours of starting trains or not, as shall be required or appointed by any Officer duly authorized for that purpose, at such prices and upon such conditions as may from time to time be contracted for between the Secretary at War or some Officer duly authorized for that purpose, and the said Company.

Officers and Men of Her Majesty's Forces of the Line, Ordnance, Marines, &c., to be conveyed on the Rail Road when required.

VII. And be it enacted, That if a Line of Electrical Telegraph shall be established by the said Company upon the Line of the said Saint Andrews and Quebec Railway, or any part thereof, or upon any of its Branches, otherwise than exclusively for the purposes of the said Railway, the use of such Electrical Telegraph for the purpose of receiving and sending messages, shall be subject to the prior right of use thereof for the service of Her Majesty, and for the purposes of the said Company, and subject also to such equal charges and to such reasonable regulations as may be from time to time made by the said Company, be open for the receiving and sending of messages by all persons alike, without favour or preference.

A preference in the use of any public line of Electrical Telegraph to be established by the Company, secured to Her Majesty and the Company.

VIII. And be it enacted, That it shall be lawful for the Lieutenant Governor or Administrator of the Government in this Province for the time being, at any time either before or after any bye law, order, rule or regulation laid before him by the said Company, shall have come into operation, to notify to the said Company his disallowance thereof, and in case the same shall be in force at the time of such disallowance, the time at which the same shall cease to be in force, and no bye law, order, rule or regulation which shall be so disallowed, shall have any force or effect whatsoever, or if it shall be in force at the time of such disallowance, it shall cease to have any force or effect at the time limited in the notice of such disallowance, saving in so far as any penalty may have been already incurred under the same.

Authority given to the Governor of the Province to disallow any bye law, &c., of the Company.

CAP. XLIX.

An Act in amendment of and in addition to an Act, intituled *An Act to incorporate the South Bay Boom Company.*

Passed 30th March 1848.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if at the time appointed by the South Bay Boom Company, incorporated by Act of Assembly of this Province made and passed in the tenth year of Her present Majesty's Reign, or the Directors thereof, for the payment of any call already made or hereafter to be made, any shareholder shall have failed or shall fail to pay the amount of such call, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any Court of Law or Equity, having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable, with costs of suit.

On failure of payment of calls on account of Stock, the delinquent may be sued.

II.

Unnecessary to set out the special matter in the Declaration in the suit.

II. And be it enacted, That in any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, [*state the number of shares*] and is indebted to the said Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more, [*state the number and amount of such calls*] which an action hath accrued to the said Company by virtue of this Act.

Sufficient to prove defendant a stockholder, that the call was made, and notice given.

III. And be it enacted, That on the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such call was a holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given, as is directed by the Act incorporating the said Company, and to which this Act is an addition and amendment, and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall appear due notice of such call was not given.

Directors authorized to raise money for carrying on the object of the Company, by pledging its property, &c.

IV. And be it enacted, That it shall and may be lawful for the Board of Directors of the said Company, when and so often as they may deem it expedient and necessary for the interests of the said Company, to raise such sum or sums of money as may be required for completing, extending, repairing, or otherwise improving the said Piers and Booms, or other the property of the said Corporation, or for the purpose of more effectually enabling the said Directors to carry into effect the objects and intentions of the said Company, by pledging as security therefor the property of said Company, or the boomage, property and proceeds thereof, in such manner and for such times, and upon such terms as they may consider expedient or right, provided the whole amount so obtained does not exceed the sum of two thousand pounds.

A new rate of boomage substituted for that in Act 10 V. c. 72.

V. And be it enacted, That the said Corporation shall be entitled to receive on all timber, logs, masts, spars or other lumber which shall be carried or received, or which shall enter into or within said Piers or Booms, or any of them, and which shall be fastened to or secured by the said Piers or Booms, or any of them, on the outside thereof, a sum not exceeding two pence for each and every ton of square timber; three pence for each and every ton of round timber, measured as square; four pence for each and every thousand superficial feet of logs, masts, spars and round timber; the above rates to be chargeable by the said Corporation up to the first day of June next ensuing the time the timber, logs, masts, spars or other lumber shall be received or deposited, and one half of the said rates, in addition for each succeeding year, or any part thereof, that the said timber, logs, masts, spars and other lumber shall be continued within said Boom, the same to be in lieu of the rates established and authorized by the Act incorporating the said Company; and for securing and recovering the payment of which Boomage, the said Company shall have in every respect the same lien and the same remedies as are given and provided for in and by the said Act of incorporation for securing and recovering the payment of the boomage authorized thereby.

Penalty on others than the owners, &c., for intermeddling with warps, or rafts of timber, logs, &c.

VI. And be it enacted, That from and after the passing of this Act, if any person or persons whomsoever, (except the owner or owners, or person or persons lawfully in charge of any rafts of timber, logs, masts, spars or other lumber placed within said Boom, or attached thereto, or otherwise lawfully authorized) shall cut, remove, displace or otherwise intermeddle or interfere with

with any warp which fastens any such raft of logs, masts, spars, timber or other lumber, or shall, not being duly authorized, remove, displace, carry away, or otherwise interfere or intermeddle with any timber, logs, masts, spars or other lumber placed within such Boom, or attached thereto, then, or in any of such cases, the party so offending shall forfeit and pay the sum of ten pounds, together with the costs of recovering the same, to be recovered upon conviction before any one of Her Majesty's Justices of the Peace for the City and County of Saint John, on the oath of one or more credible witness or witnesses, and on refusal to pay the same, to be levied by distress and sale of the offender's goods and chattels, and for want of sufficient distress, such offender shall suffer thirty days imprisonment in the Common Gaol of the said City and County, unless the penalty and costs shall be sooner paid; which penalty, when recovered, shall be paid into the hands of the Overseers of the Poor for the Parish in which such offence shall have been committed, to be by them applied towards the support and maintenance of the Poor of said Parish.

Recovery.

Application.

VII. And be it enacted, That should any timber, logs, masts, spars or other lumber placed within the said Boom, or made fast to said Boom or the Piers thereof, be so placed as to prevent or hinder, or otherwise obstruct the access to the said Boom, or the taking or removing from the said Boom, any timber, logs, masts, spars or other lumber, it shall be the duty of the superintendent or agent, appointed by the Directors of the said Company, to notify such owner or owners, person or persons having charge of such timber, logs, masts, spars or other lumber, and to require such owner or owners, person or persons so to place the same as not to prevent, hinder or otherwise obstruct the taking into or removing from said Boom, such timber, logs, masts, spars or other lumber; and if such owner or owners, or person or persons having charge of timber, logs, masts, spars or other lumber, shall neglect or refuse for the space of three days to remove or place such timber, logs, masts, spars or other lumber, so as not to prevent, hinder or otherwise obstruct the access into or out of said Boom, or the taking or removing from said Boom any such timber, logs, masts, spars or other lumber, then it shall be lawful for the said Company, by their superintendent or other officers or servants, to remove or place such timber, logs, masts, spars or other lumber so hindering or otherwise obstructing as aforesaid, in such position as will secure full and free ingress and egress to and from the said Boom, replacing or otherwise securing said timber, logs, masts, spars or other lumber, as fully and effectually as the same was before its removal; and the said Company shall charge the expenses incurred in such removal, replacing or otherwise securing such timber, logs, masts, spars or other lumber, to the person or persons liable for the boomage under the Act of incorporation of the said Company or under this Act; which expenses the said Company shall have power and authority to collect in the same manner as the boomage due or payable on said timber, logs, masts, spars or other lumber, and shall likewise have the same lien for securing the payment thereof as are given in and by the said Act of incorporation for securing the payment of the said boomage.

On notice, owners or persons in charge of Timber, &c. within or made fast to the Boom, to place the same so as not to obstruct the egress or ingress of other Timber, &c.

On failure, the Company may do so, and charge the expenses.

VIII. And be it enacted, That the stockholders of the said Corporation shall be and they are hereby empowered and authorized from time to time hereafter, at any general meeting to be for that purpose called and holden, to increase the capital stock of the said Company to an amount not exceeding in the whole seven thousand five hundred pounds; which additional stock shall be divided into two hundred and fifty shares of six pounds each; making the whole of the capital stock of the said Company when called in, to consist of twelve hundred and

Capital stock may be increased on a vote made at a general meeting.

and fifty shares, and which shall be disposed of in such manner and subject to such rules and regulations as the said stockholders may prescribe and determine.

The additional shares in the capital stock to be subject to the Act of incorporation.

IX. And be it enacted, That all and every the additional shares in the capital stock of the said Company, created under and by virtue of the provisions of this Act, and the holders thereof, shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of the Act incorporating the said Company and the Law of this Province.

CAP. L.

An Act further to amend and continue the Act to incorporate the Fredericton Boom Company. Passed 30th March 1848.

Preamble.

7 V. c. 34.

8 V. c. 99.

So much of Act 7 V. c. 34, s. 7 & 8, as requires the Corporation to pick up all Timber, &c. below Crock's Point, repealed.

Corporation to pick up the Timber, &c. below the Nashwaak;

and be entitled to charge rates herein specified.

Act 7 V. c. 34, s. 10, repealed.

Corporation to protect abandoned Rafts floating into their Booms, and be entitled to charge as herein specified.

Corporation not to be liable for Timber, &c. found below their Booms after 31st August, in cases where the parties may have rafted above the Booms, Timber, &c. of which the

WHEREAS the Act to incorporate the Fredericton Boom Company made and passed in the seventh year of the Reign of Her Majesty Queen Victoria, and the Act to amend the Act to incorporate the Fredericton Boom Company made and passed in the eighth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to amend the Act to incorporate the Fredericton Boom Company*, severally require to be amended;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the seventh and eighth sections of the Act to incorporate the Fredericton Boom Company as requires the said Corporation to collect together, pick up, and float down into the Company's Booms, all timber and logs floating in the River Saint John, or aground on any flat or shore, or any of the islands or bars below Crock's Point, so called, be repealed; and in lieu thereof, the said Corporation shall from and after the passing of this Act only be required to pick up, collect together, and float down, all such timber, logs, masts, spars and other lumber which may be floating in the River Saint John, or aground on any bar in the said River below the Nashwaak, and then to secure and raft in the manner provided in the said seventh and eighth sections of the said Act, all such timber, logs, masts, spars and other lumber as shall or may be so found below the River Nashwaak and driven into their Booms, and shall be entitled to receive a sum not exceeding one shilling and one penny for every ton of timber they shall so secure and raft, and the sum not exceeding three shillings and six pence per thousand for every thousand feet superficial of masts, spars or other lumber they shall so secure and raft in manner provided in the said recited Act.

II. And be it enacted, That the tenth section of the said recited Act to incorporate the Fredericton Boom Company be repealed; and in lieu thereof, Be it enacted, That for any floating joints or rafts of timber, logs, masts, spars or other lumber, without men on, which may run into the said Boom or Booms from force of the current or accident, or be caught therein, the said Corporation shall protect such joints or rafts, and be entitled to receive therefor at and after the rate of four pence per ton for each and every ton of such timber, and nine pence per thousand superficial feet for every thousand superficial feet of logs, masts, spars or other lumber, provided that the Corporation shall not be entitled to receive for any such rafts or joints a larger sum than three pounds.

III. And be it enacted, That notwithstanding the provisions of the third section of the Act made and passed in the eighth year of Her Majesty's Reign, intituled *An Act to amend the Act to incorporate the Fredericton Boom Company*, the said Corporation shall not be liable to pay to the owner or owners of any timber, masts, spars, logs or other lumber that may be found below the Company's Booms after the thirty first day of August in any year, the value thereof,