

## CAP. LXIV.

## An Act to incorporate the North West Boom Company.

## Section.

1. Company incorporated.
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## Section.

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*Passed 23rd April 1862.*

WHEREAS the erection of a Boom or Booms on the North West Branch of the Miramichi River, in the County of Northumberland, will be a great benefit to persons engaged in the lumbering business, by enabling them to secure timber, logs and other lumber floating down the said River at a moderate expense: And whereas it is deemed expedient to incorporate a Company for that purpose;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That George Whitney, Robert Forsyth, John Clarke, Edward R. Whitney, Richard Hutchison, Jesse G. Harding, Alexander Morrison, and Justus Adams, and their associates, successors, and assigns, be and they are hereby erected into a body corporate, by the name of 'The North West Boom Company,' for the purpose of erecting and maintaining such boom or booms, pier or piers, or any other works on the shores connected therewith, as the Corporation may think necessary or deem advisable, at or near the residence of James Hutchison in North Esk, or within two miles distance either above or below his residence, for the more convenient collecting, picking up, securing and rafting timber, logs and other lumber floating down the said River, and for carrying on and managing the same; and the said Corporation by such name shall have all the powers and privileges made incident to a Corporation by Act of Assembly or otherwise.

2. The capital stock of the Corporation shall be eight hundred dollars, and be divided into forty shares of twenty dollars each, to be paid at such times and by such instalments as the business of the Company shall require; and the Corporation

shall, when necessary, extend the capital stock to the sum of sixteen hundred dollars, and shall have power to increase the number of shares accordingly, or assess such increase upon the original shares.

3. The first meeting of the Corporation shall be held in Newcastle, and shall be called by Edward Williston, or in case of his death, neglect, refusal, or absence, by any two of the Corporation, after giving ten days' notice of the day of such meeting published in the Gleaner newspaper, for the purpose of making rules and regulations for the government of the Company, and choosing Directors necessary for the management of the affairs of the Company, which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have power to manage the affairs of the Corporation.

4. The boom or booms shall be so constructed as to admit the passage of rafts and boats, and to preserve the navigation of the River.

5. The said Corporation shall, and they are hereby required to keep the said boom or booms open, in order to receive timber, logs or other lumber floating down the said River, from the spring of the year and after the River is clear of ice, until the first day of August in each year during the continuance of this Act.

6. The Corporation shall be entitled to receive not exceeding three pence per ton for each ton of square or sided timber or other lumber, and not exceeding four pence per thousand for each and every thousand superficial feet of logs or other lumber actually driven or floating down into the tideway of the said River, and which they shall secure in or by the boom or booms of the said Company, such payment to be in full for booming and securing the said timber, logs or other lumber; provided always, that timber and lumber in rafts, and hardwood timber, futtocks, and knees, shall not come within the operation of this section.

7. All prize logs, or other logs, timber or lumber floated down the North West Branch of the River Miramichi, or its branches, and into or against the said boom, upon which no marks are found, and for which no owner appears, shall be sold by the said Company by public vendue after ten days'

notice of the hour, day and place of such sale posted in three public places in the Parish where the boom or booms are erected and established, and the proceeds thereof to be appropriated, one quarter thereof towards paying the expenses of the said Company, and the balance to be divided among the owners of logs or other lumber secured in the said boom, according to the quantity owned by them respectively.

8. The Corporation shall have a lien on all timber, logs or other lumber which may be secured in the said boom or booms, and may by themselves, their agent or agents, retain a sufficient part of such lumber to pay the boomage until such boomage is paid or secured; or the Corporation shall have power to sue for and recover the said boomage from the owner or owners of the said timber, logs or other lumber, in any Court competent to try the same; and should the said boomage be not paid within five days after notice to the owner that the timber, logs or other lumber has been secured in the said booms ready to be delivered, the said Corporation shall be entitled to receive a reasonable compensation for keeping the said timber, logs or other lumber, which shall be deemed to be at the risk of the owner or owners thereof, not exceeding for each week after such notice, two pence per ton for timber, and four pence per thousand for superficial feet of logs or other lumber.

9. Any floating joints or rafts of timber, logs or other lumber which may run into the said boom or booms by force of the current or accident, the said Company shall protect, and be entitled to receive therefor at and after the rate of two pence for each and every ton of such timber, and four pence for every thousand superficial feet of logs or other lumber; provided that the said Company shall not be entitled to receive for any such raft or joint a larger sum than two pounds.

10. That in the event of the owner of any timber, logs or other lumber secured in the said boom not appearing and commencing to raft the same within twenty four hours from the time the same was so secured, the said Corporation are authorized to raft the said timber, logs or other lumber, and shall charge for such rafting in addition to the boomage, not exceeding one shilling and six pence for every thousand superficial feet of logs, and six pence for every ton of timber or other

lumber so rafted ; and the Corporation shall have a lien on the said timber, logs or other lumber, until the amount of such rafting and boomage is paid or secured, or shall have power to sue for and recover from the owner or owners thereof the amount of such rafting and boomage, in any Court competent to try the same, with costs of suit.

11. The stock subscription list already subscribed, and such other names and shares as may be added thereto to the extent of the stock, shall compose the Company ; stockholders and the subscribers shall be in the same position as if they had subscribed after the passing of this Act, as well for the payment of such stock or otherwise.

12. Stockholders of the said Company shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of said Corporation, or their agents or servants, in proportion to the stock they respectively hold ; provided however, that in no case shall any stockholder be liable to pay a sum exceeding the amount of stock actually then held by such stockholder in addition to the stock then held by such stockholder ; provided nevertheless, that nothing herein 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.

13. All questions of difference or dispute of any kind relating to the quantity of timber, logs or other lumber liable to toll, shall be submitted to the award and determination of three persons chosen as follows :—Either party desiring a reference shall name an arbitrator and give notice thereof in writing to the other party, who shall within ten days after such notice name and appoint a person or arbitrator on his behalf, and give notice of such appointment to the other party, and the two so chosen shall name a third ; in case of neglect or refusal to appoint such arbitrator, the arbitrator first named shall name a second, and they two name a third, who shall proceed to hear the matter and make an award in the premises ; the award and determination of them, or any two of them, shall be final and conclusive between the parties ; which referees, or any two of them, shall also determine and award by whom and how the expense of such reference shall be paid.

14. The Corporation shall not be liable for the loss of any timber, logs or other lumber which pass out of the said boom, or escape therefrom, unless such loss is occasioned by their neglect or default, or the neglect or default of their agents or servants; provided always, that the said Corporation, their agents or servants, shall be bound without delay, and with sufficient assistance to follow down the River as far as Middle Island, and use all due diligence to collect together, pick up and secure, and raft all such timber, logs or other lumber which may pass out of or by, or escape from, or run below the said boom of the said Company.

16. If any stockholder shall fail to pay the amount of any assessment made by the Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof in any Court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such assessment was payable, with costs of suit; and when the amount due shall not exceed five pounds, the same may be recovered before any Justice of the Peace for the County of Northumberland, under the provisions of Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in civil suits.'

16. In any action or suit to be brought by the said Corporation 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 Company to declare that the defendant is the holder of one or more shares in the said Company, and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more, by means of which an action hath accrued to the said Company by virtue of this Act.

17. If any person shall wilfully and maliciously, and to the prejudice of the said undertaking, break, cut, damage or destroy the said boom or booms, or any pier or piers, or any part thereof, or any of the warps, ropes or fastenings thereof, such person or persons so offending shall, upon conviction thereof before any two Justices of the Peace for the County of Northumberland, forfeit and pay a sum not exceeding ten pounds, with costs of prosecution, and when collected, to be paid and

form a part of the funds of the said Corporation; and any stockholder in the said Company is hereby declared a competent witness against such offender or offenders.

18. Unless a good and sufficient boom or booms for the purpose of this Act be erected within two years after the passing of this Act, and a certificate thereof under the hand of the agent or principal officer of the said Corporation, attested to by such agent or principal officer before one of Her Majesty's Justices of the Peace for the said County, (which oath such Justice of the Peace is hereby authorized to administer), shall be filed in the office of the Secretary of the Province, then the corporate powers hereby granted shall be deemed null and void.

19. Nothing in this Act shall authorize and empower the said Corporation, or any of their agents or servants, to enter into or upon any lands or tenements of any person whomsoever, unless the consent of the owner or owners be first obtained.

20. This Act shall continue and be in force for ten years and no longer.

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### CAP. LXV.

An Act to continue the several Acts relating to the South West Boom Company.

Acts 17 V. cap. 10, and 23 V. cap. 15, continued.

*Passed 23rd April 1862.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the seventeenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the South West Boom Company*, and also another Act made and passed in the twenty third year of the Reign of Her said Majesty, intituled *An Act in amendment of an Act to incorporate the South West Boom Company*, be and the same are hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy two.

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### CAP. LXVI.

An Act to incorporate the Union Iron Works Company.

Section.

1. Company incorporated.
2. Capital stock.

Section.

3. First meeting, when called, and by whom.