

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1835. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1835.

5 William IV – Chapter 31 (Session 1)

An Act to regulate the driving of Timber and Saw Logs down the River Magaguadavic and its Branches. Passed 17th March 1835.

Whereas delays injurious to the interest of individuals and to the trade of the County of Charlotte in general, have been occasioned for want of the necessary supplies and prompt attendance required on the part of persons engaged in driving Timber and Saw Logs down the River Magaguadavic and its Branches: And Whereas it is necessary to prevent such delays, and also to apportion the heavy expenses annually incurred in the driving of Timber and Logs on the said River and its Branches, as fairly as may be, among the several owners thereof;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act the driving of Timber and Saw Logs down the River Magaguadavic and its Branches shall and may be regulated and conducted in manner following (that is to say); the Justices of the Peace for The County of Charlotte at any General Sessions of the Peace or at any Special Session to be for that purpose holden, shall have power to appoint five suitable persons to be Commissioners for regulating and conducting the driving of Timber and Saw Logs on the said River and its Branches; which said Commissioners being duly sworn to the faithful execution of their duty shall call a public meeting of the owners of Timber and Sow Logs, first giving sufficient notice of the time and place of such meeting in some public newspaper published in said County and also by advertisement at the upper and lower Falls of said River; such meeting to be holden in all of the month of March in each and every year during the continuance of This Act; at which meeting the owners of the said Timber and Logs, or their agents, shall render to the said Commissioners an account of the several lots and quantities of the same by them respectively owned, with a description of the several marks and the places of the said River or its Branches where such Lots of Timber and Logs respectively lie.

II. And be it enacted, That the said Commissioners on receiving the accounts of the said Timber and Logs shall then proceed to make an estimate of the number of men with the necessary tools and provisions required for the River driving, and shall agree with the owners of the said Timber or Logs upon the number of such men, with the quantity of provisions and tools to be respectively furnished by such owners who shall choose to furnish the necessary hands and supplies for driving their own lots of Timber or Logs respectively; and the said Commissioners shall also hire men and purchase tools and supplies for the driving of such Lots of Timber and Logs as the owners thereof may not provide for, making the same payable out of such lots of Timber and Logs in manner hereinafter mentioned; and the said Commissioners shall also agree with and appoint a sufficient number of competent persons as master drivers, to take charge of the several crews and parties as they may by the said Commissioners be distributed on the different parts of the said River and its Branches; which said master drivers with the men under their charge shall be bound to follow

the particular instructions of the said Commissioners with respect to the times and places of commencement and operation generally.

III. And be it enacted, That if any separate crew or party driving Timber or Logs shall join any drive under the direction of any of the aforesaid master drivers, such crew or party shall be subject to the directions of the master driver having charge under the said Commissioners of the drive so joined by such separate crew or party; and it shall be the duty of the several master drivers and the men under their direction to drive indiscriminately all Timber and Logs that may fall in their way, as well these lots and marks that have not been reported as these lots that have been reported as aforesaid; and in case any two or more of the said drives shall at any time form a junction and make one entire drive, such large drive so formed shall be put under the direction of such of the aforesaid master drivers as the said Commissioners may please to appoint.

IV. And be it enacted, That it shall be the duty of such Commissioners, upon the arrival of any considerable quantity of Timber in the Boom, and when the season of driving may be considered as over, to call a public meeting of the owners of such Timber and Logs; of which meeting previous public notice shall be given in manner hereinbefore provided; at which meeting the said Commissioners shall proceed by the best means in their power to assess the whole amount of expenses of driving such Timber and Logs on the owners of the same respectively, as nearly as may be in proportion to the quantity and distance which the same may have been driven, and also on any quantity that may not be claimed by any owner; and all persons who may have furnished labour or provisions for such driving and all other persons having claims shall render their respective accounts duly attested; which accounts being approved by the Commissioners shall be allowed as a set off against any claim for driving any Timber or Logs belonging to the said persons respectively.

IV. And be it enacted, That it shall be the duty of the said Commissioners or completion of the said assessment to publish a list of the persons so assessed by advertisement in some public newspaper and at the upper and lower falls as aforesaid; and where the owner of any lot of Timber or Logs shall be unknown, to include in such list the marks and descriptions of such Timber or Logs respectively: and fourteen days after such notice, it shall be lawful for the said Commissioners or their successors to recover the several amounts assessed by actions at law or to levy the same by sale at auction of a sufficient quantity of such Timber and Logs, giving fourteen days public notice of the time and place of such sale.

V. And be it enacted, That if any person shall hinder, molest or interrupt any of the said master drivers or any of the men under their direction in the execution of his or their duty, every such persons so offending shall, on conviction before any two of His Majesty's Justices of the Peace of the County, forfeit and pay to the said Commissioners for the benefit of the River driving a sum not exceeding ten pounds for every such offence, to be levied in the usual manner by the sale of the goods and chattels of such offender; and for want of such goods and chattels whereon to levy, such offender shall be by the said Justices committed to the common Gaol of the County, there to lie without Bail or mainprise for a space not exceeding forty days.

VI. And be it enacted, That the said Commissioners at the time of apportioning the several sums so to be paid, shall add to the same and reckon therein a reasonable allowance and remuneration for their own services, and also a sum not exceeding the sum of fifty pounds for any contingent expenses that may arise in the course of their proceedings with the River driving, to which fund shall be added the proceeds of the sale of all unmarked Logs or Timber found in the course of driving; a true and correct account of which contingent expenses and also such allowance as they may retain for their own services, shall be by them laid before the Justices in their General Session in September in each and every year during the continuance of this Act, to be by such Justices confirmed if they consider such charge reasonable and just, or disallowed as they think fit.

VII. And be it enacted, That the said Commissioners so to be appointed shall continue and be in office until others be by the said Justices appointee in their stead; and if any of them, after having accepted of his said appointment, shall refuse, or neglect to perform the several duties herein mentioned, such delinquent Commissioner shall on conviction before any two Justices of the Peace be liable to a fine not exceeding twenty pounds, to be levied in the usual manner, and added to the aforesaid fund for defraying contingent expenses.

VIII. And be it enacted, That all fines, forfeitures and monies collected by the said Commissioners under this Act, except so much as may be retained by them for services as hereinbefore mentioned, shall be forthwith paid into the hands of the County Treasurer, to remain with him subject to the written order of at least the major part of said Commissioners, to defray the expenses incurred in carrying the provisions of this Act into effect, and not for any other purpose whatsoever; and the said County Treasurer shall render a just and true account to the General Sessions of all monies thus received and paid by him: Provided always, That such County Treasurer shall hold and retain out of such monies five pounds per centum as a remuneration for his trouble.

IX. And be it enacted, That the major part of the Commissioners shall be deemed competent to carry into effect all the provisions of this Act, any thing herein contained to the contrary notwithstanding.

X. And be it enacted, That this Act shall continue and be in force until the first day of December which will be in the year of our Lord one Thousand eight hundred and thirty eight.