

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1844. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1844.

7 Victoria – Chapter 34

An Act to incorporate the Fredericton Boom Company. Passed 13th April 1844.

Whereas the erection of a Side Boom or Booms at or near the Short Ferry, so called, below Fredericton, will be a great benefit to persons engaged in the Lumber business by enabling them to secure Timber and Logs, Masts, Spars and other Lumber floating down the River Saint John, at a moderate expence; And whereas it is deemed expedient to incorporate a Company for that purpose;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Glazier, Stephen Glazier, James Taylor, William J. Bedell, Spafford Barker, Jacob Mackeen, Isaac Kilburn, and Duncan Glazier and their Associates, Successors and Assigns, be and they are hereby declared to be a Body Corporate by the name of The Fredericton Boom Company, and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Side Boom or Booms and any other Works on the Shore connected therewith at or near the Short Ferry, so called, below Fredericton, for the more convenient collecting; picking up, securing and rafting Timber, Logs, Masts, Spars and other Lumber, floating down the River Saint John, and for carrying on and managing the same.

II. And be it enacted, That the Capital Stock of the said Corporation shall be two thousand pounds of current money of New Brunswick, and shall be divided into eighty shares of twenty five pounds each.

III. And be it enacted, That the first meeting of the said Corporation shall be called by James Taylor, Esquire, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in a newspaper published in Fredericton, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

IV. And be it enacted, That the Subscribers for Stock in the said Corporation shall previous to the first meeting of the said Corporation, pay into the hands of such person or persons as the persons incorporated by the first section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors, such an instalment or deposit on the Capital Stock of the said Corporation they subscribe for, as the said persons incorporated, or the major part of them as aforesaid, may appoint and determine, due notice being given at the time of the notice calling the first meeting of the Members and Stockholders of the Corporation, of the time or several periods of time when, of the place and places where, and person and persons to whom the said instalment or deposit shall be paid, and the said instalment or deposit shall be taken and allowed to every Subscriber who shall pay it, as part of the Capital Stock required to be paid in under and by virtue of this Act, and every Subscriber who shall neglect or refuse to pay in the said deposit or instalment, shall be deemed a defaulter, and no Subscriber shall upon any pretence

whatsoever vote at the first meeting for the choice of Directors upon any Share or Shares, unless he has paid the said instalment or deposit.

V. And be it enacted, That nothing in this Act contained shall be construed to authorize the said Corporation to interfere with the navigation of the River Saint John.

VI. And be it enacted, That the said Corporation shall and they are hereby required to keep the said Boom open and in order to receive Timber, Logs, Masts, Spars and other Lumber floating down the River Saint John from the opening of the Spring, and after the time the River is clear of Ice, until the twentieth day of October in each and every year during the continuance of this Act.

VII. And be it enacted, That the said Corporation shall be entitled to receive a sum not exceeding one shilling and one penny half penny per ton for each and every ton of Timber, and a sum not exceeding two shillings and six pence per thousand for each and every thousand superficial feet of Logs, Masts and Spars, or other Lumber, which they shall secure and raft in a substantial manner, with good and sufficient Boom poles, and put in good and sufficient joints, such as are usually made, preparatory to their being put in large rafts for transportation to Saint John; such payments to be in full for rafting and securing the said Timber as aforesaid, and also for collecting and keeping up and floating down the said Timber and Logs so rafted in the said Boom or Booms, from Crock's Point, so called; and also, for all scattered Timber and Logs, which by the force of the current or water may be driven into the said Boom or Booms, and secured thereby, and so rafted in joints.

VIII. And be it enacted, That it shall be the duty of the said Corporation, and they are hereby required to collect together, pickup, and float down into the said Boom or Booms, and there secure and raft in joints 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, at any time between the opening of the Spring and the River being entirely clear of Ice, and the twentieth day of October in each and every year during the continuance of this Act, providing the owner or owners of such Timber or Logs shall have previously furnished the said Corporation or the Agent or Agents with the Mark or Marks of such Timber, Logs, Masts, Spars or other Lumber, previously to its coming to Crock's Point, so called, and after so furnishing the said Marks, the same shall be considered to be under full control of and liable to Boomage to the said Corporation.

IX. And be it enacted, That the said Corporation shall have a lien on all Timber, Logs, Masts, Spars and other Lumber which may be rafted in the said Boom in joints fit to be carried to Saint John in the manner prescribed by the seventh Section of this Act, or which shall be carried into the said Boom by the force of the current; and the said Corporation, or Agent or Agents, may retain the said Timber, Logs, Masts, Spars and other Lumber, or sufficient part of them to pay the Boomage until such Boomage is paid or secured: Provided always, that nothing herein contained shall be construed to extend to authorize the said Corporation to detain or interfere with any joint, joints or rafts of Timber, Logs, Masts, Spars or other Lumber, which may be on its passage to any place either above or below said Booms with men on, and may by the force of the current or other accident get into said Booms and be caught therein, but the owner or owners thereof shall be

permitted to remove the same with care, or the Agent or Servants of the said Corporation may do so at their option.

X. And be it enacted, That for my floating Joints or Rafts of Timber, Logs, Masts, Spars or other Lumber without men on, which may run into the said Boom or Booms by 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 two pence per Aon for each and every ton of such Timber, and six pence per thousand superficial feet for every thousand superficial feet of Logs, Spars, Masts or other Lumber provided that the said Corporation shall not be entitled to receive for any such Rafts or Joint a larger sum than three pounds.

XI. And be it enacted, That the said Corporation shall not be liable for the loss of any Timber, Logs, Masts, Spars or other Lumber which may pass out of or by the said Boom, or escape therefrom, unless such loss is occasioned by their neglect or default, or the neglect or default of the Agents or Servants: Provided always, that the said Corporation, their Agents or Servants shall be bound to follow and use all due diligence to collect together and pick up and secure and raft all such Timber, Logs, Masts, Spars or other Lumber, of which they may have been previously furnished with the marks as prescribed by the eighth section of this Act, which may pass out of or by or escape from or run below the said Boom.

XII. And be it enacted, That all questions of difference or dispute of any kind relating to the quantity of Timber, Logs, Masts, Spars or other Lumber, or to the mode of rafting such Timber, Logs, Masts, Spars or other Lumber, shall be submitted to the award or arbitrament and determination of three persons indifferently chosen between the parties, 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 expenses of such reference shall be paid: Provided always, that such reference may be made to one person if the parties can agree upon such one, who shall be vested with the like powers herein assigned to the three referees.

XIII. And be it enacted, That the said Corporation shall have power to levy and collect assessments upon the Shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Corporation, and whenever any such assessment shall be made by the Stockholders of the Corporation, it shall be the duty of the Treasurer to give notice thereof in a news-paper printed in Fredericton, requiring payment of the same within ten days, and if any Stockholder shall neglect and refuse to pay to the Treasurer the amount of such assessment upon his Share or Shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent Shares for sale at Public Auction, given at least fifteen days notice of the time and place of such sale, and all Shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment, and interest due on each Share, and the expense of advertising and selling, the residue, if any, shall be paid over to the former owner, and a new certificate or certificates of the Shares so sold, shall be made out and delivered to the purchasers:

Provided always, that no assessment shall be made except by a vote of the Stockholders and by a majority of all the Shares.

XIV. And be it enacted, That unless a good and sufficient Boom for the purpose contemplated by this Act, shall be erected within four months after the passing of this Act, and a certificate thereof under the hand of the Agent or the principal Officer of the said Corporation, attested to by such Agent or other principal Officer before one of Her Majesty's Justices of the Peace, and which oath such Justice is hereby authorized to administer, shall be filed in the Office of the Secretary of this Province, then the corporate powers hereby granted shall be deemed null and void.

XV. And be it enacted, That the Members and Stockholders of the said Corporation 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 the 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 Member or 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.

XVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Corporation or any of their Agents or servants, to enter in am upon any Lands or tenements of any person whomsoever, unless the consent of the owner or owners, lessee or lessees thereof be first had and obtained in writing, and further provided, that the said Corporation shall be liable for all trespasses done or committed by the servants or Agents of the said Corporation, in the course of prosecuting the business and object of the said Corporation, unless such consent as aforesaid has been previously had and obtained.

XVII. And be it enacted, That this Act shall continue and be in force for five years and no longer.