

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1845. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1845.

8 Victoria – Chapter 49

An Act to incorporate the Maduxnikik Boom Company. Passed 27th March 1845.

Whereas the erection of a Boom at or near the mouth of the Maduxnikik [Meduxnekeag] will be convenient and advantageous to the Commercial Interests of the Province;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William F. Dibblee, James R. Tupper, and George Connell, 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 Maduxnikik 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 Maduxnikik River, at or near the mouth, above the Bridge, to secure the Timber, Logs, and other Lumber floating down the same, for the use and purpose of the Mills erected at the mouth of said River.

II. And be it enacted, That the said Corporation may erect and maintain a Boom across the said Maduxnikik River, at some convenient place above the Bridge, at or near the mouth 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 to 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 Booms would for that purpose endanger the safety of any Timber, Logs or other Lumber contained therein.

III. 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 and 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.

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, and it shall be the duty of the said Corporation or their Agent to open the said Boom at reasonable times when requested by owners of Timber, Lumber or Logs, and that it shall be the duty of the owner or owners of said Timber and Logs to receive and take out of said Boom such Timber and Logs in a reasonable time after the same comes into the Boom; and should any one 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.

V. 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 the 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.

VI. And be it enacted, That there be allowed to the Corporation a Toll or Boomage upon all Timber thus boomed, the sum of two pence per ton, and for all other Lumber six pence for each thousand superficial feet, and that the said Corporation shall have a lien on all Timber and other Lumber thus boomed, for the payment of all such Toll or Boomage and other expenses; each and every person or persons owning Timber or Lumber to furnish to the Agent of the Corporation 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 appointed or approved by the Court of Common Pleas, the expense of surveying to be borne equally alike by both parties.

VII. 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 existent of the said Corporation is terminated at the expiration of the said two years.

VIII. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty.