

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 90

An Act to amend the Act to incorporate the Fredericton Boom Company. Passed 14th April 1845.

Whereas it is expedient to amend the Act made and passed in the seventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act to incorporate the Fredericton Boom Company*, to increase the Capital Stock and enlarge the powers of the said Company;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, 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 four thousand pounds; which additional Stock shall be divided into Shares of twenty five pounds each, making the whole Capital Stock of the said Company, when called in, to consist of one hundred and sixty 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.

II. 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.

III. And be it enacted, That the said Corporation shall be liable to pay to the owner or owners thereof, the fair value of any Timber, Masts, Spars, Logs, or other Lumber which they shall have furnished the said Corporation, or their Agent or Agents with the marks, agreeably to the Act incorporating the said Company, and which shall be found below the Booms of the said Corporation at any time after the thirty first day of August in each year; provided the person or persons so claiming payment shall prove the property in the said Timber, Masts, Logs, Spars or other Lumber for which they claim payment, and also that the marks thereof had been furnished to the said Corporation, or their Agent or Agents, in due and sufficient time to have enabled the said Corporation to secure such Timber, Masts, Spars, Logs and other Lumber.

IV. And be it enacted, That the said Corporation shall drive the said Timber, Logs, Masts, Spars and other Lumber from Crock's Point into the Boom with as little delay as possible, and shall use all due diligence in rafting the said Timber, Logs, Masts, Spars and other Lumber of each individual owner separately, according to the marks thereon.

V. And be it enacted, That if the owner or owners of any Timber, Logs, Masts, Spars and other Lumber shall not within three days after the same has been rafted and surveyed, either by himself or his agent, pay the boomage thereon to the said Corporation, or their Agent or Agents, and take

the possession and charge thereof, the said Company shall be entitled to receive a reasonable compensation for the keeping of the said Timber, Logs, Masts, Spars or other Lumber which shall be deemed to be at the risk of the owner or owners thereof, or they are hereby authorized, if they see fit, to send the said Timber, Logs, Masts, Spars and other Lumber to Saint John at the risk of the owner, and then, after ten days personal notice, or thirty days notice in a Newspaper: published in Fredericton, to sell so much thereof as shall be sufficient to pay the Boomage, together with the usual freight to Saint John, expense of keeping, expenses of the sale, and all other incidental expenses, rendering the overplus, (if any,) to the owner, and the remaining part of such Timber shall be kept till required by the owner, at his risk and expense.

VI. And be it enacted, That the said Corporation shall have power to collect together, raft, and carry to Saint John, all Timber, Logs, Masts, Spars or other Lumber which shall pass out of and below the Boom by force of the current or other inevitable accident; and when the same arrives at Saint John, to hold the said Timber, Logs, Masts, Spars and other Lumber subject to the payment of the freight and other expense mentioned in and subject to the provisions of the fifth section of this Act, or dispose thereof, or part thereof, for the purpose and in the manner prescribed by the said section.

VII. And be it enacted, That all Timber, Logs, Masts, Spars and other Lumber shall be measured by a competent Surveyor, duly sworn, who shall be employed and paid by the said Corporation, whose Survey shall be conclusive upon all parties, unless the owner or owners of such Timber, Logs, Masts, Spars and other Lumber shall, by themselves or their Agent or Agents, give notice to the said Corporation, their Agent or Agents, within three days after the said Timber, Logs, Masts, Spars and other Lumber have been rafted and surveyed, of their dissent to such Survey, then and in such case the difference shall be settled and determined in the manner prescribed by the twelfth section of the Act to incorporate the said Company.

VIII. And be it enacted, That the said Corporation shall have full power and authority to drive all Timber, Logs, Masts, Spars and other Lumber that may be run over the Grand Falls or come out of any of the Tributaries of the River Saint John below the Grand Falls, down the said River from the said Falls to Crock's Point.

IX. And be it enacted, That if the said Corporation shall undertake to drive the Timber, Logs, Masts, Spars and other Lumber of any person or persons down the River Saint John to Crock's Point, it shall be the duty of the said Corporation after the owner or owners thereof shall have furnished the said Corporation, or their Agent or Agents, with the marks thereof, to drive all such Timber, Logs, Masts, Spars and other Lumber that may come over the Grand Falls, or out of any of the Tributaries of the Saint John below the Falls, on or before the first day of July in each and every year for which they shall so undertake to drive the same, at and for a sum not exceeding seven pence half penny per ton for every ton of Square Timber that shall pass over the Grand Falls, and at and for a sum not exceeding two shillings per thousand superficial feet for every thousand feet of other Lumber; and for every ton of Square Timber that shall run out of any of the other Tributaries of the Saint John below the Falls, a sum not exceeding six pence per ton, and a sum not exceeding one shilling and eight pence per thousand feet for every thousand superficial feet of

other Lumber; and after the marks shall have been so furnished to and received by the said Corporation, the said Timber, Logs, Masts, Spars and other Lumber shall be deemed to be under the full controul of the said Corporation and liable to the charges hereinbefore mentioned.

X. And be it enacted, That if the said Corporation shall undertake to drive the said Timber, Logs, Masts, Spars or other Lumber, it shall be the duty of the said Corporation to drive all such Timber, Logs, Masts, Spars and other Lumber which shall come over the Grand Falls, or out of any of the Tributaries of the Saint John below the Falls, on or before the first day of July in the year for which they shall so undertake to drive the same, and shall use all due diligence in keeping clear all the Islands, Bars and Shores in the River Saint John between the Grand Falls and Crock's Point, from such Timber, Logs, Masts, Spars and other Lumber, except the Basin below the Grand Falls and the eddies in the Falls, which they shall clear whenever the water permits, in the year for which they so undertake to drive.

XI. And be it enacted, That it shall be the duty of the said Corporation, and they are hereby required to drive all such Timber, Logs, Masts, Spars and other Lumber down the River Saint John to Crock's Point, on or before the first day of August in the year for which they so undertake to drive the same, if possible; and if it shall happen that any of the said Timber, Logs, Masts, Spars and other Lumber shall be left behind, and not driven below Crock's Point on or after the fifteenth day of October in the year for which they shall so undertake to drive the same, the said Corporation shall be liable to pay the owner or owners thereof the fair value of such Timber, Logs, Masts, Spars and other Lumber which they shall so neglect to drive, such value to be estimated by the Market price thereof in Saint John, after deducting the expense of floating the same to Saint John; pro-vided the owner or owners thereof shall prove their property in such Timber, Logs, Masts, Spars and other Lumber before they shall be entitled to receive payment therefor.

XII. And be it enacted, That the said Corporation shall have a lien upon all the Timber, Logs, Masts, Spars and other Lumber which they shall so drive to Crock's Point, in the manner hereinbefore mentioned, for such driving, and the charge therefor provided by this Act shall be added to the Boomage, and secured, recovered and collected in the same manner in all respects as Boomage is collected by this Act.

XIII. And be it enacted, If the said Corporation shall, for the convenience of any person or persons, agree to drive down any of the Tributaries of the Saint John, below the Grand Falls, into the Saint John, any Timber, Logs, Masts, Spars, and other Lumber, at and for a certain price to be agreed upon therefor, the price so agreed upon shall be also added to the Boomage, and shall and may be recovered and collected with the Boomage in the same manner in all respects and subject to the same provisions as are in this Act provided for the collection of Boomage.

XIV. And be it enacted, That nothing contained in this Act, or in the Act to which it is an amendment, shall be construed to authorize the said Corporation, or their Agent or Agents, to interfere with, or abridge in any manner, the rights and privileges heretofore enjoyed by the owners or occupiers of any land fronting on the said River Saint John.

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XV. And be it enacted, That this Act shall continue and be in force so long as the said Act to which this is an amendment continues in force, and no longer.