

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1846. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1846.

9 Victoria – Chapter 45

An Act to incorporate the Tobique Boom Company. Passed 11th April 1846.

Whereas the erection of a Boom at or near the Mouth of the Tobique River 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 Benjamin Beveridge, Thomas Pickard, Charles M'Mullen, Amos Dickinson, Robert A. Hay, and Samuel Dickinson, 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 Tobique 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 Tobique River, below the Narrows in the said River, to secure the Timber, Logs and other Lumber floating down the same.

II. And be it enacted, That the said Corporation may erect and maintain a Boom across the said Tobique River, at some convenient place below the Narrows 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 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 Boom for that purpose would endanger the safety of any Timber, Logs or other Lumber contained therein.

III. And be it enacted, That nothing in this Act shall authorize or be construed to authorize the said Corporation to enter upon the lands, or use the private property of any person or persons for the purpose of erecting or securing the said Boom, without their consent first had and obtained for that purpose.

IV. And be it enacted, That it shall be the duty of the Corporation to cause the passage ways or open space in said Boom to be carefully guarded, so that no Lumber may be permitted to escape; and if the owner or owners of any Timber, Logs, Masts, or other Lumber, do not wish the said Corporation to raft their Timber, Logs, Masts, or other Lumber, that it shall be the duty of the owner or owners thereof to raft and take said Timber out of said Boom; but in case the owner or owners of said Timber, Logs, Masts, or other Lumber, do not remove the said Timber, Logs, Masts, or other Lumber from said Boom, that after said Timber, Logs, Masts, or other Lumber remain in said Boom for two days, it shall be lawful for said Corporation to raft said Timber and Logs, Masts, and other Lumber, safe and securely in joints, loaded suitably for the navigation of the River Saint John, for Pine Timber, with two good boom poles at least, and hard wood pins, said joints to be of

the size as are commonly made, and to secure the same below the Boom twenty four hours; and if the owner or owners, on the expiration of the time aforesaid, have not removed or taken charge of the same, by putting his or their ropes thereon, the Corporation may remove or secure, the same in some convenient place, and the owner or owners shall pay such expenses as may arise in the removal or securing the same; and should any person suffer loss in consequence of the neglect or carelessness of the said Corporation or their Agent or Agents, the said Corporation shall be accountable for such loss; and the said Corporation shall cause the Timber, Logs or other Lumber to be rafted without any unnecessary delay, as soon after it comes into the Boom as possible, the said Corporation not being bound to drive any Timber, Logs or other Lumber into the Boom that may be aground above it.

V. And be it enacted, That if any person or persons shall wilfully injure or destroy the said Boom or any Pier 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 offenders 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 said Justices to issue their warrant to commit said 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 Square Timber thus boomed, the sum of six pence per ton, and for rafting and securing as aforesaid, the sum of ten pence per ton upon all Timber, and the sum of two shillings per thousand superficial feet for rafting other Lumber, and the sum of nine pence per thousand superficial feet for the boomage of all Logs; and that the said Corporation shall have a lien on all Timber and other Lumber thus boomed and rafted, for the payment of all such toll or boomage and other expenses; such person or persons owning Timber or other Lumber, to furnish to the Corporation or their Agent, a proper and correct description of his or their several marks, before the same comes into the Boom; the Corporation shall not be bound to secure or take care of any Timber or Lumber until the marks are so furnished; and if no owner appears to claim Timber or Lumber so coming into the Boom, it may after twenty days notice be sold; and if at any time within two years the owner should appear and prove to the satisfaction of the Inferior Court of Common Pleas in the County of Carleton, he may receive the net proceeds, after deducting toll and other expenses; but if not proved and claimed within two years, the proceeds to be paid to the Treasurer of the County for the uses and purposes of the County; all Timber and other Lumber to be measured by a sworn Surveyor legally appointed, the expenses 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 Manager 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 three years after the passing of this Act, the operations of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three 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 six.