

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1847. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1847.

10 Victoria – Chapter 76

An Act to incorporate the Madam Keswick Boom Company. Passed 14th April 1847.

Whereas the erection of a Boom or Booms at or near the mouth of the Madam Keswick River, in the County of York, will be highly advantageous to the Lumbering Interests of that section of the Province;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Daniel Yerxa, G. H. Haines, Abraham Yerxa, and Benjamin Yerxa, 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 Madam Keswick 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 or Booms across the Madam Keswick River, at or near the mouth of 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 Madam Keswick River, at some convenient place at or near the mouth thereof, for the purpose of stopping and securing Timber, Logs and other Lumber floating upon the said River, and may erect such Piers and Booms 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 in writing 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 spaces 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, or other Lumber, do not wish the said Corporation to raft his or their Timber, Logs, or other Lumber, that it shall be the duty of the owner or owners thereof to raft and take said Timber, Logs or other Lumber out of said Boom; but in case the owner or owners of said Timber, Logs or other Lumber do not remove the said Timber, Logs or other Lumber from said Boom, that after said Timber, Logs or other Lumber shall have remained in said Boom for two days, it shall be lawful for the said Corporation to raft said Timber, Logs or other Lumber safe and securely in joints, loaded suitably for the navigation of the River Saint John, for Pine Timber with at least two good and sufficient boom poles and hardwood 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 at 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 to or secure the same in some convenient place, and the owner or owners shall pay such expenses as may be incurred in the removal and 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 and 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 the same.

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 York, 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 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 shall be allowed to the Corporation a toll or boomage upon all Square Timber secured in said Boom, the sum of two pence per ton, and for rafting and securing the same as aforesaid the sum of ten pence per ton; upon all Saw Logs and other Lumber secured in said Boom, the sum of four pence per thousand superficial feet for boomage, and the sum of two shillings and six pence per thousand superficial feet for rafting and securing the same as aforesaid; 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 charge of any Timber or Lumber until the marks are so furnished; and if no owner appears to claim any 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 for the County of York, he may receive the nett 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 of York, for the uses and purposes of the said County; all the Timber and other Lumber coming into the said Boom to be measured by a sworn Surveyor legally appointed, the expenses to be borne alike by both parties.

VII. And be it enacted, That the members and stockholders of the said Corporation, each and every of them, 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.

VIII. 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 is hereby authorized and required to administer, be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation terminate at the expiration of the said three years.

IX. 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 sixty.