

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1848. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1848.

11 Victoria – Chapter 49

An Act in amendment of and in addition to an Act, intituled *An Act to incorporate the South Bay Boom Company*. Passed 30th March 1848.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if at the time appointed by the South Bay Boom Company, incorporated by Act of Assembly of this Province made and passed in the tenth year of Her present Majesty's Reign, or the Directors thereof, for the payment of any call already made or hereafter to be made, any shareholder shall have failed or shall fail to pay the amount of such call, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any Court of Law or Equity, having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable, with costs of suit.

II. And be it enacted, That in any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, [state the number of shares] and is indebted to the said Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more, [state the number and amount of such calls] which an action hath accrued to the said Company by virtue of this Act.

III. And be it enacted, That on the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such call was a holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given, as is directed by the Act incorporating the said Company, and to which this Act is an addition and amendment, and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall appear due notice of such call was not given.

IV. And be it enacted, That it shall and may be lawful for the Board of Directors of the said Company, when and so often as they may deem it expedient and necessary for the interests of the said Company, to raise such sum or sums of money as may be required for completing, extending, repairing, or otherwise improving the said Piers and Booms, or other the property of the said Corporation, or for the purpose of more effectually enabling the said Directors to carry into effect the objects and intentions of the said Company, by pledging as security therefor the property of said Company, or the boomage, property and proceeds thereof, in such manner and for such times, and upon such terms as they may consider expedient or right, provided the whole amount so obtained does not exceed the sum of two thousand pounds.

V. And be it enacted, That the said Corporation shall be entitled to receive on all timber, logs, masts, spars or other lumber which shall be carried or received, or which shall enter into or within said Piers or Booms, or any of them, and which shall be fastened to or secured by the said Piers or Booms, or any of them, on the outside thereof, a sum not exceeding two pence for each and every ton of square timber; three pence for each and every ton of round timber, measured as square; four pence for each and every thousand superficial feet of logs, masts, spars and round timber; the above rates to be chargeable by the said Corporation up to the first day of June next ensuing the time the timber, logs, masts, spars or other lumber shall be received or deposited, and one half of the said rates, in addition for each succeeding year, or any part thereof, that the said timber, logs, masts, spars and other lumber shall be continued within said Boom, the same to be in lieu of the rates established and authorized by the Act incorporating the said Company; and for securing and recovering the payment of which Boomage, the said Company shall have in every respect the same lien and the same remedies as are given and provided for in and by the said Act of incorporation for securing and recovering the payment of the boomage authorized thereby.

VI. And be it enacted, That from and after the passing of this Act, if any person or persons whomsoever, (except the owner or owners, or person or persons lawfully in charge of any rafts of timber, logs, masts, spars or other lumber placed within said Boom, or attached thereto, or otherwise lawfully authorized) shall cut, remove, displace or otherwise intermeddle or interfere with any warp which fastens any such raft of logs, masts, spars, timber or other lumber, or shall, not being duly authorized, remove, displace, carry away, or otherwise interfere or intermeddle with any timber, logs, masts, spars or other lumber placed within such Boom, or attached thereto, then, or in any of such cases, the party so offending shall forfeit and pay the sum of ten pounds, together with the costs of recovering the same, to be recovered upon conviction before any one of Her Majesty's Justices of the Peace for the City and County of Saint John, on the oath of one or more credible witness or witnesses, and on refusal to pay the same, to be levied by distress and sale of the offender's goods and chattels, and for want of sufficient distress, such offender shall suffer thirty days imprisonment in the Common Gaol of the said City and County, unless the penalty and costs shall be sooner paid; which penalty, when recovered, shall be paid into the hands of the Overseers of the Poor for the Parish in which such offence shall have been committed, to be by them applied towards the support and maintenance of the Poor of said Parish.

VII. And be it enacted, That should any timber, logs, masts, spars or other lumber placed within the said Boom, or made fast to said Boom or the Piers thereof, be so placed as to prevent or hinder, or otherwise obstruct the access to the said Boom, or the taking or removing from the said Boom, any timber, logs, masts, spars or other lumber, it shall be the duty of the superintendent or agent, appointed by the Directors of the said Company, to notify such owner or owners, person or persons having charge of such timber, logs, masts, spars or other lumber, and to require such owner or owners, person or persons so to place the same as not to prevent, hinder or otherwise obstruct the taking into or removing from said Boom, such timber, logs, masts, spars or other lumber; and if such owner or owners, or person or persons having charge of timber, logs, masts, spars or other lumber, shall neglect or refuse for the space of three days to remove or place such timber, logs, masts, spars or other lumber, so as not to prevent, hinder or otherwise obstruct the

access into or out of said Boom, or the taking or removing from said Boom any such timber, logs, masts, spars or other lumber, then it shall be lawful for the said Company, by their superintendent or other officers or servants, to remove or place such timber, logs, masts, spars or other lumber so hindering or otherwise obstructing as aforesaid, in such position as will secure full and free ingress and egress to and from the said Boom, replacing or otherwise securing said timber, logs, masts, spars or other lumber, as fully and effectually as the same was before its removal; and the said Company shall charge the expenses incurred in such removal, replacing or otherwise securing such timber, logs, masts, spars or other lumber, to the person or persons liable for the boomage under the Act of incorporation of the said Company or under this Act; which expenses the said Company shall have power and authority to collect in the same manner as the boomage due or payable on said timber, logs, masts, spars or other lumber, and shall likewise have the same lien for securing the payment thereof as are given in and by the said Act of incorporation for securing the payment of the said boomage.

VIII. And be it enacted, 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 seven thousand five hundred pounds; which additional stock shall be divided into two hundred and fifty shares of six pounds each; making the whole of the capital stock of the said Company when called in, to consist of twelve hundred and fifty shares, and which shall be disposed of in such manner subject to such and regulations as the said stockholders may prescribe and determine.

IX. And be it enacted, That all and every the additional shares 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.