

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 50

An Act further to amend and continue the Act to incorporate the Fredericton Boom Company. Passed 30th March 1848.

Whereas the Act to incorporate the Fredericton Boorn Company made and passed in the seventh year of the Reign of Her Majesty Queen Victoria, and the Act to amend the Act to incorporate the Fredericton Boom Company made and passed in the eighth year of the Reign, of Her Majesty Queen Victoria, intituled *An Act to amend the Act to incorporate the Fredericton Boom Company*, severally require to be amended;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the seventh and eighth sections of the Act to incorporate the Fredericton Boom Company as requires the said Corporation to collect together, pick up, and float down into the Company's Booms, all timber and logs floating in the River Saint John, or aground on any fiat or shore, or any of the islands or bars below Crock's Point, so called, be repealed; and in lieu thereof, the said Corporation shall from and after the passing of this Act only be required to pick up, collect together, and float down, all such timber, logs, masts, spars and other lumber which may be floating in the River Saint John, or aground on any bar in the said River below the Nashwaak, and then to secure and raft in the manner provided in the said seventh and eighth sections of the said Act, all such .timber, logs, masts, spars and other lumber as shall, or may be so found below the River Nashwaak and driven into their Booms, and shall be entitled to receive a sum not exceeding one shilling and one penny for every ton of timber they shall so secure and raft, and the sum not exceeding three shillings and six pence per thousand for every thousand feet superficial of masts, spars or other lumber they shall so secure and raft in manner provided in the said recited Act.

II. And be it enacted, That the tenth section of the said recited Act to incorporate the Fredericton Boom Company be repealed; and in lieu thereof, Be it enacted, That for any floating joints or rafts of timber, logs, masts, spars or other lumber, without men on, which may run into the said Boom or Booms from force of the current or accident, or be caught therein, the said Corporation shall protect such joints or rafts, and be entitled to receive therefor at and after the rate of four pence per ton for each and every ton of such timber, and nine pence per thousand superficial feet for every thousand superficial feet of logs, masts, spars or other lumber, provided that the Corporation shall not be entitled to receive for any such rafts or joints a larger sum than three pounds.

III. And be it enacted, That notwithstanding the provisions of the third section of the Act made and passed in the eighth year of Her Majesty's Reign, intituled *An Act to amend the Act to incorporate the Fredericton Boom Company*, the said Corporation shall not be liable to pay to the owner or owners of any timber, masts, spars, logs or other lumber that may be found below the Company s Booms after the thirty first day of August in any year, the value thereof in any case

where the owner or owners of such timber, masts, spars, logs or other lumber shall have picked up, collected together and rafted at any place above the Company's Booms, any portion of the timber, masts, spars, logs or other lumber of which such owner or owners shall have furnished the Corporation with the marks thereof.

IV. An be it enacted, That the said Corporation shall make, allow and pay reasonable and proper compensation and satisfaction for all lands, tenements and hereditaments taken, used, occupied, altered, damaged or spoiled by means of and for the uses and purposes of the said Corporation, and shall pay to the owner or owners of any lands, tenements or hereditaments they may require for the purposes of the said Corporation, a reasonable and proper compensation and satisfaction therefor, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements and hereditaments; and in case of disagreement between the said Corporation and the said owners or occupiers, of any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or owners, occupier or occupiers of the private property in question; which two Arbitrators so chosen shall choose the third arbitrator; and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon application of the said Corporation, to appoint the third arbitrator; the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private property shall decline making any such agreement, or appointing such arbitrator, then and in every such case, the said Corporation shall make application to the Supreme Court of this Province, stating the grounds of such application, and such Court is hereby empowered and required from time to time upon such application, to issue a Writ or Warrant directed to the Sheriff of the County of either York or Sunbury, according to the situation of the lands, tenements or hereditaments, or in case of his being a party interested, then to the Coroner of the said County, and in case of the said Sheriff and Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons as the case may be, to summon and empanel a Jury of three freeholders within the said County, who may be altogether disinterested; which Jury, upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury, is hereby empowered to administer) shall inquire, ascertain and assess the distinct sum or sums of money, or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the inquisition, award or verdict of such Jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties: which amount so assessed as aforesaid, and the costs and expenses of such proceeding to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

V. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Corporation, cut, break, damage, throw down or destroy any of the

Company's Booms or works erected or made by virtue of this Act, any such person shall, be adjudged guilty of a misdemeanor, and every such person so offending and being thereof lawfully convicted shall be liable to the punishment prescribed for a misdemeanor by any law in force at the time of the commission of the offence.

VI. And be it enacted, That the sixteenth section of an 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*, be and the same is hereby repealed.

VII. And be it enacted, That it shall be the duty of the said Corporation, and they are hereby required every year during the continuance of this Act, while they keep up the Boom or Booms at the Company's principal place of business below Fredericton, and carry on the business of collecting and picking up timber there, also to keep up a sufficient Boom at Crock's Point, for the purpose of preventing, as far as possible, timber, logs, masts, spars and other lumber from floating down behind the islands in the River Saint John, and such Boom to keep in a good and efficient state, with a sufficient number of men to protect and take care of the same during the period the said Company shall or may collect timber, masts, spars and other lumber at their principal Boom below Fredericton.

VIII. And be it enacted, That this Act, together with an 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*, and also another Act made and passed in the eighth year of the same Reign, intituled *An Act to amend the Act to incorporate the Fredericton Boom Company*, except such parts of the said recited Acts as are repealed by this Act, be and the same are severally continued until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.