

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1849.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1849.

12 Victoria – Chapter 67

**An Act to incorporate the Saint Stephen Upper Mills Boom Company. Passed 14th April 1849.**

Whereas the erection of a Boom or Booms at the Upper Mills in the Parish of Saint Stephen, in the County of Charlotte, on the Saint Croix River, has been of great benefit to persons engaged in the Lumber business, by enabling them to secure Timber, Masts, Logs and other Lumber floating down the said River, at a moderate expense: And whereas it is deemed expedient to incorporate a Company for the purpose of managing said Booms;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Porter, Horatio N. Hill, Samuel S. King, Daniel Hill, George M. Porter, Samuel Hamilton, Ansel Daley, and Daniel K. Chase, their associates, successors and assigns, being Mill and Log owners, be and they are hereby declared to be a body corporate, by the name of "The Saint Stephen Upper Mills Boom Company," and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Boom or Booms. Piers and any other works on the shore connected therewith, at the Upper Mills, Saint Stephen, for the more convenient collecting, picking up, securing or rafting Timber, Logs, Masts or other Lumber intended to be manufactured at the Upper Mills, Saint Stephen, and at Baring, opposite thereto, and for passing through and turning over the Dam at said Upper Mills, Saint Stephen, and Baring, all Timber, Logs, Masts or other Lumber belonging or intended to be manufactured below the said Upper Mills, Saint Stephen, and Baring, and for carrying on and managing the same.

II. And be it enacted, That the Capital Stock of said Corporation shall be fifteen hundred pounds current money of New Brunswick, to be divided into shares of twenty five pounds each.

III. And be it enacted, That the first meeting of said Corporation shall be called by John Porter, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in writing first being posted in two open and conspicuous places at the Upper Mills, Saint Stephen, aforesaid, at Baring, at Mill Town, Saint Stephen, and at Mill Town, Calais, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice; and no person shall until forty eight hours, from the opening the Books, subscribe for more than three shares of the Capital Stock of the said Corporation.

IV. And be it enacted, That said Corporation may enter upon, occupy and use any rocks, islands or other land which at any time have been covered by the water of the Saint Croix River, the banks thereof, and the lands adjoining, for the purposes aforesaid, between the dam extending across said River at the Upper Mills, Saint Stephen, and Baring, and the head of Marpoles Island, for the purposes aforesaid, and may also use the same for passing and repassing on foot by the members of said Corporation, their servants and agents, in the care, use and management of the works aforesaid, and for stopping, controlling, securing, managing and disposing of the Timber, Masts,

Logs and other Lumber aforesaid, and may take use and keep the piers, cross booms; side, eddy and other booms, and the erections and fixtures used in connection therewith, now existing between the dam aforesaid, and the head of Marpoles Island and shall therefor, and also for the rocks, islands, banks of the said River, and land near thereto aforesaid, make the owners thereof, or persons entitled to it, a reasonable compensation to be by the parties agreed upon, or fixed and determined by three persons, by said parties to be mutually chosen; or by a Jury of twelve disinterested Freeholders of the County of Charlotte, to be summoned and appointed in a similar manner as Jurors for assessing damages for roads passing over private property.

V. And be it enacted, That all Timber, Logs, Masts and other Lumber which shall be Abated into or stopped by said Booms of other works of said Company, to be used or manufactured below the Upper Mills, Saint Stephen, and Baring, shall be by the said Company turned out of and from said Booms and other works of said Company, with all convenient and reasonable despatch, and at said Company's expense, so they may pass down said River and over the dam before mentioned; and for any and all unreasonable delay therein, and for all damages to any person by or in consequence of such delay, said Company shall; be responsible and make compensation therefor to the person or persons so delayed or damaged, to be recovered in an action on the case before any Court of competent jurisdiction to try the same; and said Company shall be responsible for any, and pay all damages happening to any person or persons by any unreasonable neglect or omission to keep all their said works in repair, or suitably attended by a sufficient number of competent men to stop and take care of, properly control, manage and dispose of all said Timber, Logs, Masts and other Lumber which may be drifted into or against their said works, and which should be stopped by them to be recovered as last aforesaid.

VI. And be it enacted, That if any person or persons shall wilfully injure or destroy the said Boom or Booms, or any of the piers or other works in connection therewith, 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 Charlotte, 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 or offenders goods and chattels; and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for the 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 mainprise, for such period as may be specified by such Warrant, not exceeding one day for each two shillings of such penalty; provided such offence be more aggravated, the person or persons so offending may be prosecuted for damages by the said Corporation in the Supreme Court of this Province, and upon conviction, the Justices of the Supreme Court, or any one of them, is and are hereby empowered to inflict upon such offender or offenders such fine and imprisonment as in his or their opinion the nature of the offence and injury inflicted would sanction.

VII. And be it enacted, That said Company shall without any unreasonable delay, but with all reasonable despatch, and so far as they can be, and as fast as they may be wanted, turn out of their main or back Boom or Booms, all the Logs, Masts, Timber and other Lumber which may come into them, and which are to be used and manufactured at the Upper Mills, Saint Stephen, and Baring opposite thereto, and put them into the side or eddy Booms of said Company, if need

be; and when wanted at the Mills, shall without unnecessary delay, raft and run them to the Mills when needed; and for all Timber, Logs, Masts and other Lumber so turned out, rafted and run to Mills at Upper Mills, Saint Stephen, and Baring, said Company shall be entitled to collect, demand and receive of and from any owner or owners thereof as toll, one shilling for every thousand feet board measure; and said Company shall have a lien on all Timber, Logs, Masts and other Lumber to be used at or manufactured in said Mills last named, for the toll on all the Logs and other Lumber above named, of the same mark, and may detain the same under their control until the toll on the Logs and other materials of that mark is paid; and in case of a refusal to pay said toll, or of a neglect to do so for a space of ten days after demanded by said Company, said Company may sell by public vendue so many and much of said Logs and other materials as will raise the amount so due and demanded, and all the costs and expenses incurred concerning the same, after posting written notices thereof in two open and conspicuous places in each of the four Villages mentioned in the third Section of this Act, at least ten days before the day of said sale, stating the marks of said Logs and other materials to be sold, the amount claimed, and the place, day and hour of sale.

VIII. And be it enacted, That all prize Logs, or Logs, Masts or other Timber or Lumber floated down the River Saint Croix, and into or against the said Booms, upon which no marks are found and for which no owner appears, may be sold by said Company by public vendue after ten days notice of the hour, day and place of such sale, and the proceeds thereof to be appropriated towards paying the expenses of said Company.

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 fifty two.