

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1853.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1853.

16 Victoria – Chapter 65

**An Act to incorporate the Narkawickac Boom Company. Passed 3rd May 1853.**

Whereas the erection of a Boom or Booms at or near the mouth of the Narkawickac River, in the County of York, will be beneficial to person engaged in the lumber business, by enabling them to secure timber, logs and other lumber floating down the said River, and it is deemed expedient to incorporate a Company for the purpose;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:-

1. That John Guiou, John Manual, James Colter, Solomon M'Farlane, and William Calder, and their associates, successors and assigns, be and they are hereby declared to be a body corporate, by the name of The Narkawickac 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 at or near the mouth of the said River Narkawickac, and any other necessary works on the shores thereof connected with such boom, for the more convenient collecting, securing and rafting timber, logs and other lumber floating down the said River, and for otherwise managing the operations of the said Company.
2. The capital stock and the said Company shall be two hundred and fifty pounds currency, and shall be divided into fifty shares of five pounds each.
3. The first meeting of the said Company, for the purpose of organizing the same, shall be called by John Guiou, or in case of his death, inability or refusal to act, by any two of the said Company, by giving twenty days notice of the time and place thereof, in a newspaper printed and published in the City of Fredericton, and also by notices to be posted up in two public places in each of the Parishes of Queensbury and Southampton, and the meeting shall be held at the time and place mentioned in such notice.
4. The subscribers for stock in the said Company shall, previous to the first meeting thereof, pay to such person as the persons named in the first section of this Act, or the majority of them, shall appoint, such deposit or instalment on the capital stock of the said Company, subscribed for by them, as the persons incorporated, or the majority of them, may determine, due notice being given at the time of the notice calling the first meeting of the Company of the time or several times when, and the place or places where, and the person to whom such deposit or instalment shall be paid.
5. The deposit or instalment paid by any subscriber shall be taken and allowed as part of the capital stock required to be paid in under this Act, and any subscriber neglecting or refusing to pay the deposit or instalment pursuant to such notice, shall be incapable of voting at such first meeting

of the said Company for the choice of Directors, or from otherwise taking any part in the proceedings thereof.

6. The Company shall not be authorised to enter upon the lands of any person without the consent of the owner or occupier thereof.
7. The boom or booms to be erected by the Company shall be kept open and in a proper state to receive timber, logs and other lumber floating down the River Narkawickac from the opening of the River in the spring until the first day of November in each year.
8. The said Company shall be entitled to receive a sum not exceeding one shilling per ton for each ton of square timber, and a sum not exceeding three shillings and three pence per thousand for every thousand superficial feet of logs or other lumber floating or being in the said River which they may secure and raft in joints in a substantial manner, fit to be put in large rafts for transportation to Saint John, and which shall be ready to be delivered from the said boom to the owner or owners of such timber, logs or other lumber.
9. If any joints or rafts of timber, logs or other lumber shall run into the said boom or booms by accident or by the force of the current, the said Company shall protect such joints or rafts, and shall be entitled to receive therefor at the rate of three pence per ton for every ton of timber, and six pence per thousand for every thousand superficial feet of logs or other lumber.
10. The said Company shall have a lien on all timber, logs and other lumber which may be rafted in the said boom in joints in the manner prescribed in the eighth section of this Act, or which may be carried into the said boom by accident and the force of the current, and the said Company may retain such timber, logs or other lumber, or a sufficient part thereof, until the charges for boomage are paid or secured.
11. Any person wilfully injuring any such boom, or any of the works connected therewith, shall in addition to any liability to the said Company for any special damage sustained thereby, be liable to a penalty of five pounds, to be recovered by action of debt at the suit of the said Company, in any Court of Record in this Province.
12. All questions of difference of any kind relating to the quantity of timber, logs or other lumber rafted by the said Company, or the mode of rafting the same, shall be submitted to the arbitrament of three persons indifferently chosen between the parties, and the award of them or any two of them shall be final and conclusive between the parties, and they shall also determine by whom and how the expenses of such reference shall be paid.
13. The said Company shall have power to levy and collect assessments upon the shares of stockholders from time to time, of such sums of money as may be required for carrying on the business of the said Company; and whenever any such assessment shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in a newspaper printed in Fredericton, requiring payment of the same within twenty days; and if any

stockholder shall neglect or refuse to pay to the Treasurer the amount of any such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least fifteen days notice of the time and place of such sale, and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, may be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owners, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchasers; provided that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

14. The members and stockholders of the said Company shall be personally chargeable in proportion to the stock they respectively hold, with the payment of the debts of the said Company, or any damages sustained by any person from the default or neglect of the Company, their agents or servants, but no stockholder shall 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 that nothing herein contained shall exempt the joint stock of the said Company from liability for the debts and engagements of the same.