

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1856. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1856.

19 Victoria – Chapter 12

An Act to incorporate the Hammond River Boom Company. Passed 26th March 1856.

Section.

1. Company incorporated.
2. Authority to maintain a Boom.
3. Property not to be entered on without consent.
4. Boom, security of and rafting from.
5. Injury to Boom.

Section.

6. Boomage and lien granted.
7. Capital, amount of.
8. Power to assess shares.
9. First meeting of the Corporation
10. Limitation.

Whereas the erection of a Boom at or near the mouth of the Hammond River will be convenient and advantageous to the commercial interest of this Province;—

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

1. That Cyprian E. Godard, LeBaron Drury, John F. Godard, Charles W. Stockton, J. D. M. Keator, Elias Prince, William J. Prince, C. E. Dodge, John Murphy, James Dixon, William Dixon, Thomas Purvis, Stephen G. Fowler, Washington Alden, and James DeBow, 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 Hammond River 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 across Hammond River, at or near the mouth of the said River, to secure the timber, logs and other lumber floating down the said River.
2. The said Corporation may erect and maintain a Boom across the said Hammond River at some convenient place at or near the mouth thereof, for the purpose of stopping and securing timber, logs, masts, spars, and other lumber floating upon the said River, and may erect certain Piers and Booms such 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 either with rafts of logs, timber, or other lumber, or boats, to encumber the same, nor be allowed a passage through the same with such rafts, logs, or other lumber or boats, when the opening the Boom for that purpose would endanger the safety of logs, timber, or other lumber contained therein.
3. Nothing in this Act shall authorize the said Corporation to enter upon the lands or use the private property of any person for the purpose of erecting or securing the said Boom, without their consent first had and obtained in writing for that purpose.

4. It shall be the duty of the said Corporation to secure the said Boom so that no lumber may be permitted to escape; and if the owner or owners of any timber, logs, masts, spars, or other lumber, do not wish the said Corporation to raft the same, it shall be the duty of the owner or owners thereof to raft and take the same out of the said Boom, but in case the owner or owners neglect so to do for the space of two days, it shall be lawful for the said Corporation to raft said timber, logs, masts, spars, or other lumber, safely and securely, in joints loaded suitably for the navigation of the River Kennebecasis [Kennebecasis], with two good boom poles and hardwood pins to each joint, such joints to be secured below the Booms for twenty four hours, and if the owner or owners on the expiration of the time aforesaid, have not taken charge of the same by putting his or their ropes thereon, the Corporation may remove and secure the same in some convenient place, and the owner or owners shall pay to the said Corporation such expenses as may arise in the removal and securing of the same; and the said Corporation shall cause the timber, logs, or other lumber to be rafted without any unnecessary delay, as soon after it comes into the Boom as possible: the said Corporation to be accountable for all losses sustained in consequence of negligence or carelessness of their agents or servants.

5. If any person or persons shall wilfully injure or destroy the said Boom or any Pier 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 King's County, 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 the said Justices to issue their warrant to commit said 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 and costs: nothing in this Section shall prevent the said Corporation from maintaining a civil action against such offender or offenders for damages.

6. There shall be allowed to the Corporation a toll or boomage upon all square timber thus boomed the sum of six pence per ton, and for rafting and securing as aforesaid the sum of ten pence per ton, and the sum of two shillings per thousand superficial feet for rafting other lumber, except sawed lumber, and the sum of nine pence per thousand for the boomage of other lumber; and the said Corporation shall have a lien on all timber and other lumber thus boomed or rafted for the payment of such toll or boomage, and other expenses, and the owner of such timber or other lumber to furnish the said 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 care of any timber, logs, or lumber until the marks are so furnished; and if no owner appears to claim 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 shall appear and prove to the satisfaction of the Inferior Court of Common Pleas for King's County, he may receive the net proceeds after deducting toll and expenses, but if not claimed and proved within two years the owner shall absolutely be barred from any claim.

7. The capital stock of this Corporation shall be five hundred pounds, in shares of five pounds each; and the joint stock and effects of the said Corporation shall alone be liable for the undertakings or liabilities of the said Corporation.

8. The said Corporation shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Corporation, and whenever any such assessment shall be made by the stockholders of the said Corporation, it shall be the duty of the Treasurer to give notice thereof in one or more Newspapers published in the City of Saint John, requiring payment within thirty days; and if any shareholder shall neglect or refuse to pay to the Treasurer the amount of 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 sale, and all shares upon which the assessment is not then paid, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due thereon, and expenses of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate of the shares so sold shall be made out and delivered to the purchasers; provided always, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares.

9. The first meeting of the Corporation shall be called by any two of the persons hereby incorporated, after ten days notice in a Newspaper published in the City of Stunt John, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

10. This Act shall continue and be in force until the first day of May one thousand eight hundred and fifty nine.