

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1858.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1858.

21 Victoria – Chapter 71

**An Act further to amend the Act to incorporate the Nashwaak Boom Company. Passed 6th April 1858.**

Section.

Preamble.

1. Fee for rafting and securing.
2. Company to have exclusive right of rafting within certain limits.
3. Authority to sell Timber, &c. of which the boomage is not paid.

Section.

4. Proceedings under preceding Section, or 11 V. c. 52, optional.
5. Act 11 V. c. 52, s. 2, repealed.
6. Penalty for appropriating unmarked Timber, &c.; application.

Whereas the present rate of boomage provided by the Act to incorporate the Nashwaak Boom Company, and the Acts in amendment thereof, is found to be inadequate to enable the Company to prosecute their operations, and that the Act of incorporation requires amendment in other respects;—

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

1. That the said Nashwaak Boom Company shall be entitled to receive a sum not exceeding three shillings and four pence per thousand for each and every thousand superficial feet of logs or other lumber they shall secure and raft in the manner provided by the seventh Section of an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled An Act to incorporate the Nashwaak Boom Company.
2. The said Company shall have the exclusive right of rafting all timber, masts, spars, logs, or other lumber which may be floated or driven down the Nashwaak River into the following defined limits, that is to say,—Between the Mills owned by Messieurs Robert Rankin and Company, and the Booms erected by the said Corporation at the mouth of the River at its confluence with the River Saint John; provided nevertheless, that nothing in this Section contained shall pre-vent persons from rafting any timber, masts, spars, logs, or other lumber that may be hauled into the said River within the said prescribed boundary or limits.
3. That if the owner or owners of any timber, logs, or other lumber shall not so soon as the same has been rafted and surveyed, either by himself or his agent, pay the boomage thereon to the said Corporation, or their agent or agents, and take possession and charge thereof, the said Company shall be entitled to receive a reasonable compensation for the keeping of the said timber, logs, or other lumber, which shall be deemed to be at the risk of the owner or owners thereof; and the said Company are hereby authorized, if they see fit, after ten days personal notice, or twenty days

notice published in one of the Newspapers printed in Fredericton, to sell by auction so much thereof as shall be sufficient to pay all claims for boomage then due from such owner or owners, together with the expenses of keeping the same, expenses of sale, and other incidental expenses, rendering the overplus, if any, to the owner, and the remaining part of such timber, logs, or other lumber shall be kept until required by the owner, at his risk and expense.

4. That the said Company shall have the option, if they think fit, for the recovery of their claims for boomage upon such timber, logs or other lumber, to proceed either under the provisions of the last preceding Section of this Act, or under the provisions of the first Section of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to amend the Act to incorporate the Nashwaak Boom Company*.

5. That the second Section of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to amend the Act to incorporate the Nashwaak Boom, Company*, which specifies the rate of boomage, be and the same is hereby repealed.

6. That no person shall take or appropriate to his own use any unmarked timber, logs or other lumber found floating down the River Naskwaak, or grounded along the shores of the same in any part or place of the said River, under a penalty of five pounds for each and every offence, one half of such penalty to be paid to the party complaining, and the other half to the Secretary Treasurer of the County for the benefit of the County.