

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1865.* Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1865.

28 Victoria – Chapter 53

**An Act to authorize the erection of a Sorting Boom near the Lower Bridge on the River Nashwaak. Passed 8th June, 1865.**

Section.	Section.
1. Authority to erect Boom, to whom given.	6. Penalty for wilful injury to Boom, how recovered.
2. How far Boom shall extend.	7. Piers or Booms not to extend beyond centre of river.
3. Boom may be repaired or renewed; proviso.	8. Rights of proprietor of Boom to extend to heirs and assigns.
4. Lumber to be sorted every day.	
5. Injuries caused by Boom, actions may be brought.	

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

1. That Alexander Gibson, of the Parish of Saint Mary's, in the County of York, the proprietor of the Nashwaak Mills, is hereby authorized to erect and maintain a Boom across the river Nashwaak, at or near the Lower Bridge on the said river, for the purpose of stopping, collecting together and sorting timber, logs, masts, spars and other lumber which may float down the Nashwaak river, and for the purpose of selecting and separating therefrom all timber, logs, masts, spars and other lumber belonging to the said Alexander Gibson.
2. The said Alexander Gibson is hereby authorized to erect and maintain a Boom extending from the Boom mentioned in the first Section of this Act, down the said river Nashwaak, near the centre thereof, to Butternut Island, and from thence down the said river, and near the centre thereof, near to the said Mills, for the purpose of protecting and securing the timber, logs and lumber for the use of the said Mills.
3. The said Alexander Gibson may by himself, his servants and agents, erect, construct, renew and repair from time to time all such piers or abutments as may be necessary to secure and maintain the said Booms or either of them; provided that nothing herein contained shall authorize or empower the said Alexander Gibson, his agents or servants, to enter upon the lands of any person without the consent of the owner or owners thereof first obtained in writing.
4. It shall be the duty of the said Alexander Gibson at all times while the Boom mentioned in the first Section of this Act is kept and maintained across the said river, and whenever any timber, logs or lumber coming down the said river is stopped by such Boom, to cause the said timber, logs or lumber to be examined and sorted each day (except Sundays), and to select therefrom without any unreasonable delay all the timber, logs or lumber belonging to the said Alexander Gibson, and place the same within the Boom mentioned in the second Section of this Act, or otherwise to remove the same, and to allow all the remainder of such timber, logs or lumber to float down on

the western side of said river Nashwaak to and over the sluice at the Mill dam of the said Alexander Gibson, in the manner now accustomed.

5. If any person shall sustain any damage by the neglect or unreasonable delay of the said Alexander Gibson, his servants or agents, in carrying out the directions contained in the fourth Section of this Act, such person may maintain an action on the case against the said Alexander Gibson in the Supreme Court.
6. If any person shall wilfully destroy or injure the said Booms or either of them, or any of the Piers thereof, or works connected therewith, such person shall be liable to a penalty not exceeding forty dollars, to be recovered with costs of prosecution before any Justice of the Peace of the County of York, in the manner directed by the Revised Statutes, Title xxxviii, Chapter 138, 'Of Summary Convictions.'
7. Nothing herein contained shall authorize the erection of any Piers or Booms to be erected under the authority contained in the second Section of this Act, which will extend beyond the centre of the said river Nashwaak.
8. All the rights, powers and privileges hereinbefore by this Act given to and vested in the said Alexander Gibson, and all the duties and liabilities by this Act imposed upon the said Alexander Gibson, shall vest in and attach to his heirs and assigns, being the owners of the said Nashwaak Mills, as fully and effectually in all respects as the same are given to and vested in and attach to the said Alexander Gibson.