

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1867. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1867.

30 Victoria – Chapter 41

An Act to authorize the erection of a Sorting Boom on Eel River in the Counties of York and Carleton. Passed 17th June 1867.

Section.

1. Authority to erect Sorting Boom.
2. Boom to secure lumber.
3. When lumber to be sorted and Boom opened.

Section.

4. Remedy for neglect or delay.
5. Penalty for injuring Booms.
6. Act to extend to owners to Mills.
7. Limitation.

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

1. That the Honorable John M'Adam, Hugh M'Adam, John M'Adam, Junior, and Andrew M'Adam, of the Parish of Saint Stephen, in the County of Charlotte, the Proprietors of Mills erected on Eel River, are authorized to erect and maintain a Boom across the said River above their Mills 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 Eel River, and for the purpose of selecting and separating therefrom all timber, logs, masts, spars and other lumber belonging to the said John M'Adam, Hugh M'Adam, John M'Adam, Junior, and Andrew M'Adam.
2. The said parties above named are hereby authorized to erect and maintain a Boom across the said River in such way and manner for the purpose of protecting and securing the timber, logs and lumber for the use of the said Mills.
3. It shall be the duty of the said parties, while the said Boom is kept and maintained across the said River, and whenever any timber, logs or other lumber coming down the said River is stopped by such Boom, and after twenty four hours notice in writing to the said parties, to cause the said timber, logs or other lumber to be examined and sorted each day, (except Sundays,) and to select therefrom without any reasonable delay, all the timber, logs or lumber belonging to the said parties, and to place the same within their side Boom, to be erected for that purpose, or otherwise to remove the same, and to allow all the remainder of such timber, logs or other lumber to float down the, said River to and over the waste way at the said mill dam of the said parties in the manner now accustomed.
4. If any person shall sustain any damage by the neglect or unreasonable delay of the said parties, their servants or agents, in carrying out the directions contained in the third Section of this Act, such person may maintain an action on the case against the said parties or their superintendent.

5. 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 Counties of York or Carleton, in the manner directed by the Revised Statutes, Title xxxviii, Chapter, 138, 'Of Summary Convictions.'
6. All the rights, powers and privileges given by this Act to and vested in the said parties, and all the duties and liabilities by this Act imposed upon the said parties shall vest in and attach to their heirs and assigns, being the owners of the said Eel River Mills, as fully and effectually in all respects as the same are given to and vested in and attach to the said parties.
7. This Act shall continue and be in force for the period of ten years and no longer.