

*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 83

**An Act to incorporate the Maduxnikik River Driving Company. Passed 17th June 1867.**

Section.

1. Incorporation of Company.
2. Power to enter upon lands bordering on River.
3. May demand tolls, and detain lumber until paid; penalty.
4. Capital.
5. First meeting.
5. First meeting.

Section.

6. Annual meeting; choice of officers.
7. Votes.
8. Shares assignable.
9. Assessments, how collected.
10. Not to interfere with Maduxnikik Boom Company.
11. May enter upon private lands; compensation to owners.

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

1. That Emerson A. Eaton, John Leary, Jonathan Kennedy, and Clarence E. Grosvenor, their associates and successors, shall be and are hereby constituted a body corporate by the name of "The Maduxnikik [Meduxnekeag] River Driving Company," and shall have all the power and privileges incident to a Corporation by Act of Assembly of this Province, for the purpose of clearing and improving the Maduxnikik River, and the several branches thereof, from the boundary line dividing this Province from the United States to the mouth of the said Maduxnikik River, where it empties into the River Saint John, to facilitate the driving of timber, logs and other lumber therein.

2. The said Company are authorized by themselves or their agents and workmen, to enter in and upon, and occupy for that purpose, any lands bordering on said Maduxnikik River, or any of the branches thereof, as shall be necessary for erecting dams and sluices, and making such other improvements, and constructing such other works as may be required to facilitate the driving of logs, timber and other lumber thereon, doing no unnecessary damage thereto ; and may also remove any obstruction or obstructions in the said Maduxnikik River, or any of the branches thereof, which may interfere with driving logs, timber or other lumber.

3. The said Company, or such person or persons as they shall appoint as Collectors, are authorized to demand and receive toll of and from the persons driving, claiming, or having charge of any timber, logs or lumber of any kind passing along the said Maduxnikik River, or the branches thereof, so improved by the said Company, a toll of six cents per thousand superficial feet for logs of all kinds, three cents per ton for timber of every description, and a reasonable charge for all other kinds of lumber; and the Collectors shall be and they are hereby authorized to detain any logs, timber or other

lumber until the said tolls are paid; and provided that if any logs, timber or other lumber should pass along the said Maduxnikik River, or any of the branches thereof so improved, and the owner or owners thereof, or the person or persons claiming or being in charge thereof, shall neglect or refuse to pay the tolls fixed by the provisions of this Act, then in such case the said owner or owners shall be liable to double the amount of such toll, to be recovered by an action in any of the Courts of Record of this Province, in which it will only be necessary to declare that the defendant is indebted to the Company in the sum of money claimed for tolls.

4. The capital stock of the Company shall be five thousand dollars, and shall be divided into one hundred shares of fifty dollars each, to be paid at such times and at such place and in such instalments as the said Company shall direct; provided that ten per centum of the capital stock of the said Company shall be paid in and employed in the business of said Company within one year after the passing of this Act.

5. The first meeting of the said Corporation shall be held at the Town of Woodstock, in the County of Carleton, and may be called by any one of the persons named in the first Section of this Act, by notice published in any newspaper printed in the County of Carleton, or in the Royal Gazette, at least fourteen days previous to such meeting, for the purpose of making bye laws, choosing five Directors and such other officers as the Company may then think necessary for the conduct of the business of the said Company; which said Directors and officers so chosen shall continue in office until the first annual meeting, or until others are chosen in their stead, and shall have full power to manage the affairs of said Company.

6. Annual meetings of the said Company shall be held on the first Monday in January, or at such time as any bye law may appoint, and the Directors and officers then chosen shall remain in office for one year, or until others are chosen in their stead; the Directors, immediately after their election, shall choose one of their number President; and in case of his absence from any meeting of the Board of Directors, the latter, if consisting of four persons, may choose a Chairman; the qualification for a Director shall be the ownership, in his own right, of ten shares of stock, and that he be twenty one years of age.

7. The number of votes to which each stockholder shall be entitled, when the votes of stockholders are to be given, shall be in proportion of one vote for each share of stock, and absent stockholders may vote by proxy, provided such proxy be a stockholder, and be authorized in writing.

8. Shares in the said Company may be assigned according to such rule as may be established by the bye laws, but no assignment shall be valid unless entered on a book to be kept for that purpose.

9. The mode of levying and collecting assessments upon the shares from time to time by the said Company shall be provided for by the bye laws thereof; and whenever any assessment shall be made in such prescribed manner, it shall be the duty of the Secretary or agent thereof to give notice of such assessment in some newspaper published in the County of Carleton, of such assessment; and if any stockholder shall neglect to pay the said assessment, an action may be maintained therefor in any Court of Record in this Province, in which the Company may declare that the defendant is indebted to them in the sum of \$--- for one call, or as many calls as may be due, and shall recover the same with interest and costs of suit.

10. This Act shall not interfere with the privileges of the Maduxnikik Boom Company.

11. The said Company shall have full power and authority to enter upon, occupy, possess and enjoy, for the purposes of this Act, any private lands situate upon the Maduxnikik River and its tributaries, absolutely necessary for any of the purposes aforesaid; and shall for such use, occupation and possession, make to the owner or owners of such lands, such compensation as may be agreed upon by and between the said Company and the said owner or owners as aforesaid; and in case they should not agree, the amount of such compensation shall be left to the determination of any three persons agreed to by the said Company and the said owner or owners; and in case the said Company and the said owner or owners should not agree as to the persons so to be chosen to determine such compensation as aforesaid, then and in such case the said compensation shall be determined by a jury of five disinterested freeholders of the County of Carleton, to be summoned by the Sheriff of said County in the same manner as jurors are summoned for assessing damages for roads passing over private property; provided nevertheless, that nothing in this Act contained shall extend or be construed to extend to authorize the said Company in any way whatever to interfere with or obstruct the erection of any mills, mill dams, or other works connected therewith, upon the said River or its tributaries.