

*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 85

**An Act to incorporate the Richibucto Boom Company. Passed 17th June 1867.**

Section.

1. Company incorporated.
2. Power to enter upon lands; compensation.
3. Capital.
4. First meeting.
5. Deposit on stock, when and to whom paid.
6. Seposit allowed as capital; who to vote.
7. Navigation of river not to be interfered with.
8. Time boom shall be kept open, &c.
9. Boomage on lumber.

Section.

10. Duty of Company respecting lumber.
11. Boomage, how recovered.
12. Boomage on rafts and joints.
13. Company's lien.
14. Penalty for injuring booms, &c.
15. Disputes settled by arbitration.
16. Assessments on shares how collected.
17. Liability of stockholders and Corporation.
18. Limitation.

Whereas the erection of a Boom or Booms at or near the bridge over the Richibucto River near Anthony Cail's, in the County of Kent, will be a great benefit to persons engaged in the lumbering business, by enabling them to secure timber, logs, masts, spars and other lumber floating down the said River, at a moderate expense; and whereas it is expedient to incorporate a Company for that purpose;—

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

1. William Sowerby, Oswald Smith, James Sowerby, Albert J. Smith, and Gerhardus C. Carman, and their associates, successors, and assigns, be and they are hereby declared to be a body corporate by the name of "The Richibucto Boom Company," and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting a Boom or Booms on the Richibucto River at or near Cail's bridge, and any other works on the shore connected therewith, for the more convenient collecting, picking up, securing and rafting timber, logs, masts, spars, and other lumber floating down the said Richibucto River, and for carrying on and managing the operations of the said Company.

2. The said Company shall have full power and authority to enter upon, occupy, possess and use for the purposes of this Act, any of the adjoining lands absolutely necessary for any of the purposes aforesaid; and shall for such use, occupation, and possession, make to the owner or owners of the said adjoining lands such compensation as may be agreed upon by and between the said Company and the said owner or owners of the adjoining lands 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 person so to be chosen to determine the amount of the compensation as aforesaid, then and in such case the said compensation aforesaid shall be determined by a jury of five disinterested freeholders of the County of Kent, to be summoned by the Sheriff of Kent County in the manner jurors are summoned for assessing damages for roads passing over private property.

3. The capital stock of the said Company shall be four hundred dollars, and shall be divided into twenty shares of twenty dollars each.

4. The first meeting of the said Company for the purpose of organizing the same, shall be called by Albert J. Smith, or in case of his death, inability, or refusal to act, by any two of the said Company, by giving ten days notice of the time and place thereof, by notices to be posted up in two public places in each of the Parishes of Weldford and Richibucto; which meeting shall be held at the time and place mentioned in such notice.

5. The subscribers for stock in the said Company shall, previously to the first meeting of the said Company, pay into the hands of such person or persons, as the persons incorporated by the first Section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors thereof, such an instalment or deposit on the capital stock of the said Company subscribed for by them, as the said persons incorporated, or the major part of them as aforesaid, may appoint and determine, due notice being given at the time of the notice calling the first meeting of the members and stockholders of the Company of the time or several periods of time when, of the place and places where, and person or persons to whom the said instalment or deposit shall be paid.

6. The said instalment or deposit when paid, shall be taken and allowed to every subscriber who shall pay the same, as part of the capital stock required to be paid in under and by virtue of this Act; and every subscriber who shall neglect or refuse to pay in the said deposit or instalment shall be deemed a defaulter; and no subscriber shall upon any pretence whatsoever, vote at the first- meeting for the choice of Directors upon any share or shares unless he has paid the said instalment or deposit, nor shall he take any part in the proceedings thereof.

7. Nothing in this Act contained shall be construed to authorize the said Company to interfere with the navigation of the said Richibucto River, and the Boom and Booms shall be so constructed as to admit the passage of rafts and boats.

8. The said Company shall and they are hereby required to keep the said Boom or Booms open and in order to receive timber, logs, masts, spars and other lumber floating down the said River Richibucto, from the opening of the river in the spring, .and. after

the said river is clear of ice, until the first day of December in each and every year during the continuance of this Act.

9. The said Company shall be entitled to receive a sum not exceeding twenty cents per ton for each ton of square timber, and a sum not exceeding sixty cents per thousand for every thousand superficial feet of logs, juniper roots, masts, spars and other lumber floating or being in the said River Richibucto, which they shall secure and raft in a substantial manner, fit for transportation to Richibucto.

10. It shall be the duty of the said Company, and they are hereby required to collect together, pick up, and float down into the said Boom or Booms, and there secure and raft in joints, all timber and logs floating in the said River Richibucto, or aground on any flat, shore or bar within a distance of ten miles above the said Boom or Booms, at any time between the opening of the river in the spring, when the same is entirely free from ice, and the first day of December in each and every year during the continuance of this Act, provided the owner, or owners of such timber, logs, masts, spars, juniper roots or other lumber shall have previously furnished to the said Company, or their agent or agents, with the mark or marks of such timber, logs, masts, spars, juniper roots or other lumber, previously to its coming within ten miles of said Boom or Booms so called; and after the furnishing the said marks, the said lumber shall be considered to be under the full control of and liable to boomage to the said Company.

11. If the owner or owners of any timber, logs, masts, spars, juniper knees or other lumber shall not, within six days after the same has been rafted and surveyed, either by himself or his agent, or themselves or their agents, pay the boomage thereon to the said Company, or their agent or agents, and take the possession and the charge thereof, the said Company shall be entitled to receive a reasonable compensation for keeping the said timber, logs, masts, spars, juniper knees and other lumber, which shall be deemed to be at the risk of the owner or owners; and the said Company, after giving ten days personal notice to the said owner or owners, may sell so much of the said timber, logs, masts, spars, juniper knees or other lumber, as shall be sufficient to pay the boomage, with the usual freight to Richibucto, the expense of keeping, expense of sale, and all the incidental expenses, rendering the overplus (if any) to the owner or owners; and the remaining part of such timber, logs, masts, spars, juniper knees or other lumber shall be kept until required by the owner or owners thereof, at his or their risk and expense.

12. If any joints or rafts of timber, logs, masts, spars, juniper knees or other lumber shall run into the said Boom or Booms by accident or by the force of the current, it shall be the duty of the said Company to protect such joints or rafts, and shall be entitled to receive therefor at the rate of five cents per ton for every ton of timber, and ten cents per thousand for every thousand superficial feet of logs, masts, spars, juniper knees or other lumber.

13. The said Company shall have a lien on all timber, logs, masts, spars, juniper knees and other lumber running into the said Boom or Booms, which may be rafted and jointed in the said Boom or Booms, or which may be carried into the said Boom by accident or by the force of the current; and the said Company may retain such timber, logs, masts, spars, juniper knees or other lumber, or a sufficient part thereof, until the charges for boomage are paid or secured.

14. Any person wilfully injuring any Boom or Booms, or any of the works or property of the said Company connected with the said Boom or Booms, shall, in addition to any liability to the said Company for any special damage sustained thereby by the said Company, be liable to a penalty of twenty dollars, to be recovered by action of debt at the suit of the said Company, to be recovered in any Court having competent jurisdiction.

15. All questions of difference of any kind relating to the quantity of timber, masts, logs, spars, juniper knees or other lumber rafted by the said Company, or the mode of rafting the same, shall be submitted to arbitrament of three persons chosen by the Company and the owner or owners of said timber, masts, logs, spars, juniper knees or other lumber; and the award of them or any two of them shall be final and conclusive between the parties, and they shall also determine by whom and how the expense of such reference shall be paid.

16. The said Company shall have power to levy and collect assessments upon the shareholders from time to time, of such sum or sums of money as may be required for carrying on the business of the said Company; and when any such assessment is made or ordered by the stockholders of the said Company, it shall be the duty of the Treasurer to give written notice thereof to each stockholder, requiring the payment of his assessment within twenty days: if any shareholder neglect or refuse to pay to the Treasurer the amount of such assessment as aforesaid at the time prescribed, it shall be the duty of the Treasurer to advertise the shares of all such delinquents for sale at public auction, giving at least fifteen days notice of the time and place of such sale; and all such shares upon which the assessments have not been paid, with interest from the time such assessment became due, may be sold to the highest bidder; and the Treasurer shall retain the amount assessed, and interest, and pay the overplus (if any) to the shareholder, and a new certificate or certificates of the shares so sold shall by the said Company be made out and delivered to the purchasers; provided that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

17. The members and stockholders of the said Company shall be personally chargeable, in proportion to the stock they respectively hold, with the payment of the debts of the said Company, or any damages sustained by any person from the default, neglect or miscarriage of the said Company, their agents, officers, or servants; but no stockholder shall be liable to pay a sum exceeding the amount of stock actually then held by such member or stockholder; provided that nothing herein contained shall exempt the joint

stock of the said Company from liability for the debts and engagements of the said Company.

18. This Act shall continue and be in force for five years, and no longer.