

wood pins, said joints to be of the size as are commonly made, and to secure the same below the Boom ten hours; and if the owner or owners, on the expiration of the time aforesaid, have not removed or taken charge of the same by putting his or their ropes thereon, the Corporation may remove or secure the same in some convenient place, and the owner or owners shall pay such expenses as may arise in the removal or securing the same; and should any person suffer loss in consequence of the neglect or carelessness of the said Corporation or their Agent or Agents, they shall be accountable for such loss, the said Corporation shall cause the Timber, Logs or other Lumber to be rafted without any unnecessary delay as soon after it comes into the Boom as possible, the same Corporation not being bound to drive any Timber, Logs or other Lumber into the Boom that may be aground above it.

[Liability for carelessness.]

V. And be it enacted, That when it shall be found absolutely necessary for the more speedy conveyance of the Timber to Market to open the Boom and drive the Timber down the River Saint John before being rafted, which shall be determined by the majority of votes of the Timber holders, each owner having two hundred and fifty tons, shall be entitled to one vote, and in like proportion for any greater quantity, and no person to have more than twenty votes, the quantity of each individual's Timber to be determined by the Survey that has been first made; but when any dispute shall arise as to the quantity of the Timber claimed by each person before voting upon the same shall make oath before one of Her Majesty's Justices of the Peace to the quantity so surveyed; and should a majority of the votes of the Timber holders be in favor of opening the said Boom, then it shall be the duty of the said Corporation to open the said Boom, and to turn out said Timber and other Lumber into Saint John River, for which service they the said Corporation shall receive the sum of two pence per Ton for Boomage only, to be ascertained by the next Survey made by any qualified Surveyor of Lumber.

In what circumstances the Boom shall be opened and Timber driven into St John River.

Fees.

VI. And be it enacted, That if any person or persons shall wilfully injure or destroy the said Boom or any of the Piers thereof, such person or persons so offending, shall upon conviction thereof before any two of Her Majesty's Justices of the Peace for the County of Carleton, forfeit and pay a sum not exceeding ten pounds, with costs of prosecution, to be levied by Warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, to the offender or offenders, and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for said Justices to issue their Warrant to commit such offender or offenders to the common Gaol of the County, there to remain without Bail or Mainprise for such period as may be specified in such Warrant, not exceeding one day for every two shillings of such penalty.

Wilfully injuring Boom or Piers.

Penalty.

Recovery.

VII. And be it enacted, That there be allowed to the Corporation a Toll or Boomage upon all Timber and other Lumber thus Boomed, Rafted and secured as aforesaid, the sum of one shilling per ton upon all Timber, and the sum of two shillings and six pence per thousand superficial feet of other Lumber, and that the said Corporation shall have a lien on all Timber and other Lumber thus Boomed and Rafted for the payment of all such Toll or Boomage and other expenses; each person or persons owning Timber or other Lumber to furnish to the Corporation or their Agent a proper and correct description of his or their several marks before the same comes into the Boom; the Corporation not bound to secure or take care of any Timber or Lumber until the mark is so furnished. If no owner appears to claim Timber or Lumber so coming into the Boom, it may after twenty days notice be sold, and if within two years the owner should appear and prove to the satisfaction of the Court of Common Pleas, he may receive the nett proceeds after deducting Toll and other expenses; but if not proved and claimed within two years, the proceeds to belong to the Corporation, all Timber and other Lumber to be measured by a sworn Surveyor legally appointed, the expenses to be borne equally alike by both parties.

A Boomage allowed to be charged.

Lien.

Marks on Timber to be furnished to the Corporation.

Disposition of unclaimed Timber.

VIII. Provided always and be it enacted, That unless a good and sufficient Boom be actually erected as contemplated by the provisions of this Act, and a certificate of the said erection signed and verified on oath by the Directors or Managers of the said Corporation, which oath any Justice of the Peace may administer, shall be filed in the Office of the Secretary of the Province before the expiration of two years after the passing of this Act, the operations of this Act shall cease, and the existence of the said Corporation is terminated at the expiration of the said two years.

Act to be void if Boom be not erected within two years, and Certificate, &c. filed in Secretary's Office.