

CAP. XII.

An Act to incorporate the Hammond River Boom Company.

Section.

1. Company incorporated.
2. Authority to maintain a Boom.
3. Property not to be entered on without consent.
4. Boom, security of and rafting from.
5. Injury to Boom.

Section.

6. Boomage and lien granted.
7. Capital, amount of.
8. Power to assess shares.
9. First meeting of the Corporation.
10. Limitation.

Passed 26th March 1856.

WHEREAS the erection of a Boom at or near the mouth of the Hammond River will be convenient and advantageous to the commercial interest of this Province;—

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

1. That Cyprian E. Godard, LeBaron Drury, John F. Godard, Charles W. Stockton, J. D. M. Keator, Elias Prince, William J. Prince, C. E. Dodge, John Murphy, James Dixon, William Dixon, Thomas Purvis, Stephen G. Fowler, Washington Alden, and James DeBow, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of "The Hammond River Boom Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting, building, and maintaining a Boom across Hammond River, at or near the mouth of the said River, to secure the timber, logs and other lumber floating down the said River.

2. The said Corporation may erect and maintain a Boom across the said Hammond River at some convenient place at or near the mouth thereof, for the purpose of stopping and securing timber, logs, masts, spars, and other lumber floating upon the said River, and may erect certain Piers and Booms such as they may think necessary, provided that the said Booms be so constructed as to admit the passage of rafts and boats, and preserve the navigation of the River, but no person shall be allowed at any time either with rafts of logs, timber, or other lumber, or boats, to encumber the same, nor be allowed a passage through the same with such rafts, logs, or other lumber or boats, when the opening the Boom for that purpose would endanger the safety of logs, timber, or other lumber contained therein.

3. Nothing in this Act shall authorize the said Corporation to enter upon the lands or use the private property of any person for the purpose of erecting or securing the said Boom, without their consent first had and obtained in writing for that purpose.

4. It shall be the duty of the said Corporation to secure the said Boom so that no lumber may be permitted to escape; and if the owner or owners of any timber, logs, masts, spars, or other lumber, do not wish the said Corporation to raft the same, it shall be the duty of the owner or owners thereof to raft and take the same out of the said Boom, but in case the owner or owners neglect so to do for the space of two days, it shall be lawful for the said Corporation to raft said timber, logs, masts, spars, or other lumber, safely and securely, in joints loaded suitably for the navigation of the River Kennebecasis, with two good boom poles and hardwood pins to each joint, such joints to be secured below the Booms for twenty four hours, and if the owner or owners on the expiration of the time aforesaid, have not taken charge of the same by putting his or their ropes thereon, the Corporation may remove and secure the same in some convenient place, and the owner

tion to any of the said persons in this Section before named, who, or whose wife, shall have so refused or neglected to execute and acknowledge such conveyance as aforesaid; and upon any such refusal or neglect being made or occurring, a memorandum thereof shall be endorsed on the Indenture or Deed of the said conveyance, and signed by two of the male parties who have duly executed the same, which memorandum shall be referred to in the certificate of acknowledgment endorsed on the said Indenture, and shall be recorded therewith in the proper Registry of Deeds, and the same shall thenceforth be deemed and taken in all Courts and places, and for all purposes, as sufficient evidence of such refusal or neglect, and of the said Corporation being duly and legally seized with, of, and in the whole title, estate, right, and possession, of, in, and to all and singular the said real estate conveyed as aforesaid by the said Indenture bearing date the fifth day of October in the year of our Lord one thousand eight hundred and fifty five, and of and in all and singular the shares, estate, right, title, interest, and possession, both at law and in equity, of, in, and to the same and every part thereof, of the several persons and every of them hereinbefore in this Section named, and of their respective wives; provided also, that nothing in this Section contained shall in anywise affect or restrain the rights, claims, estate, or interest, either at law or in equity, of the said Benjamin Appleby, the present mortgagee of the said real estate, or of any other incumbrancer thereof.

15. The said Corporation may receive, take, and hold real and personal estate by gift, grant, devise, or bequest, to any amount not exceeding ten thousand pounds, and hold the same in trust for the objects of the said Corporation.

16. If it should happen that the Trustees should not be chosen on the said second Wednesday in January in any year as aforesaid, it shall be lawful to choose them on any other day, on giving fourteen days notice of the time and place of a meeting to be held for such purpose, in one or more of the Newspapers published in the City of Saint John; and in case of any casual vacancy among the Trustees, then the remaining Trustees may fill up the same by choosing one of the stockholders, who shall serve until another is chosen in his room.

17. If any stockholder shall fail to pay the amount of any assessment made by the said Trustees, or any part thereof, it shall be lawful for the said Corporation (if the said Trustees elect so to do as hereinbefore provided) to sue such shareholder for the amount, in any Court of law or equity having jurisdiction, and to recover the same with interest and costs.

18. In any such action it shall be sufficient for the Corporation to declare that the defendant is the holder of one share or more in the stock of the said Corporation, (state the number of shares) and is indebted to the Corporation in the sum to which the assessment or assessments in arrears, or the balance due thereon shall amount, in respect of one assessment or more, (state the number and amount of such assessments) by means of which an action hath accrued to the said Corporation by virtue of this Act.

19. On the trial or hearing it shall be sufficient to prove that the defendant at the time of making such assessment was a holder of one share or more in the stock of the said Corporation, and that such assessment was in fact made; and it shall not be necessary to prove any other matter whatsoever, and thereupon the Corporation shall be entitled to recover what shall be due upon such call, with interest and costs.