

CAP. LXIV.

An Act to incorporate the North West Boom Company.

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Passed 23rd April 1862.

WHEREAS the erection of a Boom or Booms on the North West Branch of the Miramichi River, in the County of Northumberland, will be a great benefit to persons engaged in the lumbering business, by enabling them to secure timber, logs and other lumber floating down the said River at a moderate expense: And whereas it is deemed expedient to incorporate a Company for that purpose;—

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

1. That George Whitney, Robert Forsyth, John Clarke, Edward R. Whitney, Richard Hutchison, Jesse G. Harding, Alexander Morrison, and Justus Adams, and their associates, successors, and assigns, be and they are hereby erected into a body corporate, by the name of 'The North West Boom Company,' for the purpose of erecting and maintaining such boom or booms, pier or piers, or any other works on the shores connected therewith, as the Corporation may think necessary or deem advisable, at or near the residence of James Hutchison in North Esk, or within two miles distance either above or below his residence, for the more convenient collecting, picking up, securing and rafting timber, logs and other lumber floating down the said River, and for carrying on and managing the same; and the said Corporation by such name shall have all the powers and privileges made incident to a Corporation by Act of Assembly or otherwise.

2. The capital stock of the Corporation shall be eight hundred dollars, and be divided into forty shares of twenty dollars each, to be paid at such times and by such instalments as the business of the Company shall require; and the Corporation shall, when necessary, extend the capital stock to the sum of sixteen hundred dollars, and shall have power to increase the number of shares accordingly, or assess such increase upon the original shares.

3. The first meeting of the Corporation shall be held in Newcastle, and shall be called by Edward Williston, or in case of his death, neglect, refusal, or absence, by any two of the Corporation, after giving ten days' notice of the day of such meeting published in the Gleaner newspaper, for the purpose of making rules and regulations for the government of the Company, and choosing Directors necessary for the management of the affairs of the Company, which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have power to manage the affairs of the Corporation.

4. The boom or booms shall be so constructed as to admit the passage of rafts and boats, and to preserve the navigation of the River.

5. The said Corporation shall, and they are hereby required to keep the said boom or booms open, in order to receive timber, logs or other lumber floating down the said River, from

the spring of the year and after the River is clear of ice, until the first day of August in each year during the continuance of this Act.

6. The Corporation shall be entitled to receive not exceeding three pence per ton for each ton of square or sided timber or other lumber, and not exceeding four pence per thousand for each and every thousand superficial feet of logs or other lumber actually driven or floating down into the tideway of the said River, and which they shall secure in or by the boom or booms of the said Company, such payment to be in full for booming and securing the said timber, logs or other lumber; provided always, that timber and lumber in rafts, and hardwood timber, futtocks, and knees, shall not come within the operation of this section.

7. All prize logs, or other logs, timber or lumber floated down the North West Branch of the River Miramichi, or its branches, and into or against the said boom, upon which no marks are found, and for which no owner appears, shall be sold by the said Company by public vendue after ten days' notice of the hour, day and place of such sale posted in three public places in the Parish where the boom or booms are erected and established, and the proceeds thereof to be appropriated, one quarter thereof towards paying the expenses of the said Company, and the balance to be divided among the owners of logs or other lumber secured in the said boom, according to the quantity owned by them respectively.

8. The Corporation shall have a lien on all timber, logs or other lumber which may be secured in the said boom or booms, and may by themselves, their agent or agents, retain a sufficient part of such lumber to pay the boomage until such boomage is paid or secured; or the Corporation shall have power to sue for and recover the said boomage from the owner or owners of the said timber, logs or other lumber, in any Court competent to try the same; and should the said boomage be not paid within five days after notice to the owner that the timber, logs or other lumber has been secured in the said booms ready to be delivered, the said Corporation shall be entitled to receive a reasonable compensation for keeping the said timber, logs or other lumber, which shall be deemed to be at the risk of the owner or owners thereof, not exceeding for each week after such notice, two pence per ton for timber, and four pence per thousand for superficial feet of logs or other lumber.

9. Any floating joints or rafts of timber, logs or other lumber which may run into the said boom or booms by force of the current or accident, the said Company shall protect, and be entitled to receive therefor at and after the rate of two pence for each and every ton of such timber, and four pence for every thousand superficial feet of logs or other lumber; provided that the said Company shall not be entitled to receive for any such raft or joint a larger sum than two pounds.

10. That in the event of the owner of any timber, logs or other lumber secured in the said boom not appearing and commencing to raft the same within twenty four hours from the time the same was so secured, the said Corporation are authorized to raft the said timber, logs or other lumber, and shall charge for such rafting in addition to the boomage, not exceeding one shilling and six pence for every thousand superficial feet of logs, and six pence for every ton of timber or other lumber so rafted; and the Corporation shall have a lien on the said timber, logs or other lumber, until the amount of such rafting and boomage is paid or secured, or shall have power