



BY AUTHORITY.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

CAP. LXXIV.

An Act to incorporate the Cain's River Boom Company.

Section.	Section.
1. Incorporation of Company.	10. Boomage, lien for.
2. Capital stock, payment of; extension.	11. Disputes to be left to arbitration.
3. First meeting, where held, by whom called; notice, and choice of Directors.	12. Damage arising from over-filling Boom, who responsible.
4. Booms to admit passage of rafts, &c. and preserve navigation of river;	13. Timber, &c. escaping, who liable.
5. Period to be kept in order to receive timber, &c.	14. Stockholders, liability of.
6. Rates of Boomage.	15. Stockholders may be sued for amount of assessment.
7. Owner not commencing to raft timber, &c. Corporation to do so; charges and lien therefor.	16. Declaration in suit.
8. Unclaimed logs, timber, &c., how disposed of.	17. Penalty for damaging Boom, &c. who may be witness.
9. Upon notice given, timber, &c. allowed to pass through Boom free of charge.	18. Corporate powers void unless Boom erected within two years.
	19. No entry on lands without consent.
	20. Limitation.

Passed 23rd April 1862.

WHEREAS the erection of Booms and Piers at or near the mouth of Cain's River, in the County of Northumberland, will be convenient and advantageous to persons lumbering on the said Stream and its tributaries, and enable them with greater ease and security to raft their timber and logs ready to go to market;—

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

1. That James Donald, Charles Donald, and Richard Hutchison, and their associates, successors, and assigns, be and they are hereby erected into a body corporate, by the name of 'The Cain's River 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 mouth of Cain's River, and from thence upwards to Salmon Brook, for the more convenient collecting, picking up, securing and rafting timber, logs and other lumber floating down the said River and its tributaries, and for carrying on and managing the same; and the said Corporation by such name shall have all the powers and privileges incident to a Corporation by Act of Assembly or otherwise.

2. The capital stock of the Corporation shall be twelve hundred dollars, and be divided into thirty shares of fifty 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 two thousand dollars, and shall have power to increase the number of shares accordingly, or assess such increase on the original shares.

3. The first meeting of the Corporation shall be held at 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 ten day's 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 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 October in each year during the continuance of this Act.

6. The Corporation shall be entitled to receive the sum of two pence per ton for each and every ton of square or sided timber or other lumber, and five pence per thousand for each and every thousand superficial feet of logs or other lumber actually driven or floated down into the said booms and secured by the said Corporation, where the owner or owners raft the said timber, logs or other lumber at or near the said booms and protected thereby, such payments to be in full for booming and securing the said timber, logs or other lumber.

7. That in the event of the owner of any timber, logs or other lumber secured in the said booms, 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 charge for such rafting, including the boomage, not exceeding two shillings and six pence per thousand for every superficial feet of logs, and nine pence per ton 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 boomage and rafting is paid or secured, or shall have authority to sue the owner or owners thereof in any Court competent to try the same.

8. All prize logs or other logs, timber or lumber floated down the Cain's River and 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.

9. That when the owner or owners of any timber, logs or other lumber driven or floated down the said River may desire to pass the same through the said boom, for the purpose of rafting the same in the tideway, or for other purposes, and shall give notice to the said Corporation, their agents or servants in charge of the said boom, then such timber, logs or other lumber shall be allowed to pass through the said boom free of charge, and shall be exempted from the operations of the other sections of this Act.

10. The Corporation shall have a lien on all timber, logs or other lumber which may be secured in the said boom or booms, and rafted thereat, and may by themselves, agent or agents, retain a sufficient part of such lumber to pay the boomage until such boomage is paid or secured; or the Company shall have power to sue for and recover the said boomage from the owner of the said timber, logs or other lumber, in any Court