

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 and 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 superficial feet of logs or other lumber.

11. All questions of difference or dispute of any kind relating to the quantity of timber, logs or other lumber liable to toll, shall be submitted to the award and determination of three persons chosen as follows:—Either party desiring a reference shall name an arbitrator and give notice thereof in writing to the other party, who shall within ten days after such notice name and appoint a person as arbitrator on his behalf, and give notice of such appointment to the other party, and the two so chosen shall name a third; in case of neglect or refusal to appoint such arbitrator, the arbitrator first named shall name a second, and they two name a third, who shall proceed to hear the matter and make an award in the premises; the award and determination of them, or any two of them, shall be final and conclusive between the parties; which referees, or any two of them, shall also determine and award by whom and how the expenses of such reference shall be paid.

12. Should the boom at any time be filled with lumber, and the Corporation apprehend that a greater quantity driven therein would endanger its safety, they shall, if three fourths of the parties having lumber on the said River shall in writing approve of such a course, at once notify those parties on the stream not to continue their drive until the boom can be relieved; should they however persist in driving, and damage arise in consequence, either to the Corporation or to the owners of lumber in the boom, the party or parties so offending shall be responsible, as well to the Corporation as to the owners of lumber, for all damage sustained thereby.

13. The said Corporation shall not be liable for the loss of any timber, logs or other lumber which pass out of the said boom, or escape therefrom, unless such loss is occasioned by their neglect or default of their agents and servants; provided always, that the said Corporation, their agents or servants, shall be bound, without delay, and with sufficient assistance, to follow down the River as far as Indian Town, and use all due diligence to collect together, pick up, secure, and raft all such timber, logs and other lumber which may pass out, or by, or escape from, or run below the said boom of the said Company.

14. Stockholders of the said Company shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of said Corporation, or their agents or servants, in proportion to the stock they respectively hold; provided however, that in no case shall any stockholder be liable to pay a sum exceeding the amount of stock actually then held by such stockholder in addition to the stock then held by such stockholder; provided nevertheless, that nothing herein contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

15. If any stockholder shall fail to pay the amount of any assessment made by the Company, or any part thereof, it shall

be lawful for the said Company to sue such stockholder for the amount thereof in any Court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such assessment was payable, with costs of suit; and when the amount due shall not exceed five pounds, the same may be recovered before any Justice of the Peace for the County of Northumberland, under the provisions of Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in civil suits.'

16. In any action or suit to be brought by the said Corporation against any stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter; but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the said Company, and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more, by means of which an action hath accrued to the said Company by virtue of this Act.

17. If any person shall wilfully and maliciously, and to the prejudice of the said undertaking, break, cut, damage or destroy the said boom or booms, or any pier or piers, or any part thereof, or any of the warps, ropes or fixings thereof, such person or persons so offending shall, upon conviction thereof before any two Justices of the Peace for the County of Northumberland, forfeit and pay a sum not exceeding forty dollars, with costs of prosecution, and when collected to be paid to and form a part of the funds of the said Corporation; and any stockholder in the said Company is hereby declared a competent witness against such offender or offenders.

18. Unless a good and sufficient boom or booms for the purposes of this Act be erected within two years after the passing of this Act, and a certificate thereof under the hand of the agent or principal officer of the Corporation, attested to by such agent or principal officer before one of Her Majesty's Justices of the Peace for the said County, which oath such Justice of the Peace is hereby authorized to administer, shall be filed in the office of the Secretary of the Province, then the corporate powers hereby granted shall be deemed null and void.

19. Nothing in this Act shall authorize or empower the said Corporation, or any of their agents or servants, to enter into or upon any lands or tenements of any person whomsoever, unless the consent of the owner or owners be first obtained.

20. This Act shall continue and be in force for ten years and no longer.

CAP. LXXV.

An Act to incorporate the Roman Catholic Bishop of Saint John.

Section.

1. Roman Catholic Bishop of St. John incorporated.
2. Lands held in trust for Roman Catholic Church in Diocese of St. John, may be conveyed to Bishop in his corporate capacity.
3. Act not to confer spiritual or ecclesiastical rights.

Section.

4. Bishop being incapacitated, coadjutor to have same powers.
5. Lands heretofore vested in former Corporation within the Diocese of Saint John, now vested in this Corporation.
6. Rights of Her Majesty and others not to be interfered with.

Passed 23rd April 1862.

WHEREAS in and by an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Roman Catholic Bishop in New Brunswick*, it was, among other things, enacted that from and after the passing of that Act, "The Right Reverend William Dollard, and