

A BILL

To incorporate a Boom Company in the Parish of Chipman, in Queen's County.

WHEREAS the erection of a Boom or Booms at or near the Public Landing, Brigg's Corner, Salmon River, in the County of Queen's, will be a great benefit to persons engaged in the lumber business, by enabling them to secure Timber, Logs, or other lumber floating down the said Salmon River, at a moderate expense; and whereas it is deemed expedient to incorporate a Company for that purpose; Be it therefore enacted—

1. That George W. Hoben, John Ferris, Isaac C. Burpee, G. G. King, James Lloyd, J. F. Estabrooks, Anson Quint, James Bennison, James Connors, Daniel Briggs, Stephen Briggs, John W. Goldfinch, Francis Fulton, William Lloyd, John Wilson, and their associates, successors and assigns, be and they are hereby declared to be a body corporate, by the name of "The Chipman Boom Company," and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Boom or Booms, and any other works on the shore connected therewith, at or near Daniel Briggs', on the Salmon River aforesaid, for the more convenient collecting, picking up, securing, and rafting Timber, Logs and other lumber floating down the said Salmon River, and for carrying on and managing the same.

2. The Capital Stock of the said Corporation shall be twelve hundred dollars current money of New Brunswick, and shall be divided into sixty shares of twenty dollars each.

3. The first meeting of the Corporation shall be called by — or in case of his death, or refusal to act, by any two of the said Corporation, after ten days notice in the Royal Gazette, or by notices posted in three public places in the County of Queen's, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

4. The subscribers for stock in said Corporation shall, previous to the first meeting of the said Corporation, pay into the hands of such person or persons as the persons incorporated by the first Section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors shall appoint, such a deposit or instalment on the capital stock of the said Corporation they subscribe for, as the said persons incorporated, or the major part of them, may determine and appoint, due notice being given at the time of the notice calling the first meeting of the members and stockholders of the Corporation, of the time or several periods of time when, and of the place and places where, and person or persons to whom the said instalment or deposit shall be paid; and the said instalment or deposit shall be taken and allowed to every subscriber who shall pay it, as a part of the capital stock required to be paid in, under and by virtue of this Act; and every subscriber who shall neglect or refuse to pay in the said deposit or instalment, shall be deemed a defaulter; and no subscriber shall, upon any pretence whatsoever, vote at the first meeting for the choice of Directors, upon any share or shares, unless he has paid the said deposit or instalment.

5. The Boom shall be so constructed as to admit the passage of joints of deals or logs not exceeding fifty feet in width, and to preserve the navigation of the River.

6. The said Corporation shall and they are hereby required to keep the said Boom open, and in order to receive Timber, Logs, and other Lumber floating down the Salmon River, from the opening of the Spring and after the River is clear of ice, until — in each and every year during the continuance of this Act.

7. The said Corporation shall be entitled to receive a sum not exceeding five cents for each and every ton of Timber, and a sum not exceeding twelve cents per thousand for each and every thousand superficial feet of logs and other lumber which may come within the limits of said Boom, when rafted by the owners of the said lumber; and the said Corporation shall also be entitled to receive a sum not exceeding twenty cents per ton for each and every ton of Timber, and a sum not exceeding fifty cents per thousand for each and every thousand superficial feet of Logs and other lumber which they shall secure and raft in a substantial manner with three good and sufficient Boom poles, and put in good and sufficient joints, such as are usually made preparatory to their being put in large rafts for transportation to Saint John. Spruce and Pine to be rafted separately, such payments to be in full for rafting and securing the said Timber as aforesaid.

8. The said Corporation shall have a lien on all logs, timber or other lumber which may come within the limits of the said Boom, and also on all logs, timber or other lumber which may be rafted by said Corporation in joints fit to be carried to Saint John in the manner prescribed by the seventh Section of this Act, or which shall be carried into the said Boom by force of the current, the limits of said Boom to extend as far up as Barney Campbell's Island, so called.

9. For any floating joints or rafts of timber, logs or other lumber without men on, which may run into the said Boom or Booms by force of the current or accident, or be caught therein, the said Corporation shall protect such joints or rafts, and be entitled to receive therefore at and after the rate of twenty cents for each and every joint of logs or other lumber, provided that the said Corporation shall not be entitled to receive for any such raft or joint a larger sum than twelve dollars.

10. All questions of difference or dispute of any kind relating to the quantity of Timber, Logs, or other lumber, or to the mode of rafting the same, shall be submitted to the award or abitrament and determination of three persons indifferently chosen between the parties; 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.

11. 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 Queen's, forfeit and pay a sum not exceeding forty dollars, 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 mainprize for such period as may be specified in such warrant, not exceeding one day for every forty cents of such penalty.

12. The said Corporation shall have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Corporation; and whenever any such assessment shall be made by the stockholders of the Corporation, it shall be the duty of the Treasurer to give notice thereof, by notices posted in three public places in the — requiring payment of the same within — days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least — days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder; and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue, if any, shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made and delivered to the purchaser; provided always, that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

13. The members and stockholders of the said Corporation 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 damage sustained by the default or neglect of the 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 member or 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.

14. Unless a good and sufficient Boom for the purpose contemplated by this Act shall be erected within two years after the passing of this Act, and a certificate thereof under the hand of the Agent or the principal officer of the said Corporation, attested to by such Agent or other principal officer before one of Her Majesty's Justices of the Peace, and which oath such Justice 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.

15. Nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Corporation, or any of their agents or servants, to enter in and upon any lands or tenements of any person whomsoever, unless the consent of the owner or owners, lessee or lessees thereof be first had and obtained in writing; and further provided, that the said Corporation shall be liable for all trespasses done or committed by the servants or agents of the said Corporation in the course of prosecuting the business or objects of the said Corporation, unless such consent as aforesaid has been previously had and obtained.

16. This Act shall continue and be in force for — years and no longer.