

## CAP. XXXVIII.

An Act for the relief of the Reverend Edgar Lowell Foster.

*Passed 23rd March 1868.*

WHEREAS the Reverend Edgar Lowell Foster, a regular ordained Congregationalist Minister, has become a resident in this Province, and the settled Pastor of the Congregational Church in Saint Stephen, in the County of Charlotte, but by reason of his not being a British subject is precluded from solemnizing marriages in this Province;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Reverend Edgar Lowell Foster, after having taken the oath of allegiance to Her Majesty before the Provincial Secretary, or some other person to be appointed therefor, without fee, by the Governor, may solemnize marriage by license, or publication of banns, with the same effect as any Christian Minister, authorized by Chapter 106, Title xxvii, of the Revised Statutes, might do, subject to the provisions of any law now in force, or hereafter to be enacted, relating to the solemnization of marriage.

## CAP. XXXIX.

An Act to authorize the erection of a Sorting Boom on the River Kouchibouguacis.

Sec.

- 1 Persons authorized to erect Boom.
- 2 Distance Booms may extend.
- 3 Piers and abutments may be repaired when necessary; proviso.
- 4 Timber and logs, when to be sorted.
- 5 When action on the case may be had

Sec.

- 6 Penalty for intentional injury to Boom.
- 7 Rights and privileges, duties and liabilities, in whom vested.
- 8 Unmarked logs, among whom divided.

*Passed 23rd March 1868.*

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

1. That George M'Leod and James Cameron, of the Parish of Richibucto, in the County of Kent, the proprietors of Mills situate on the Kouchibouguacis River, in the Parish of Saint Louis, in the said County of Kent, are hereby authorized to erect and maintain a Boom across the River Kouchibouguacis, above the Mills of the said George M'Leod on the said River, for the purpose of stopping, collecting together, and sorting timber, logs, masts, spars, and any other lumber which may float down the Kouchibouguacis River, and for the purpose of selecting and separating therefrom all timber, logs, masts, spars, and any other lumber belonging to the said George M'Leod and James Cameron.

2. The said George M'Leod and James Cameron are hereby authorized to erect and maintain Booms, extending from the Boom mentioned in the first Section of this Act down the north and south sides of the said River Kouchibouguacis to the said Kouchibouguacis Mills, owned by the said George M'Leod, or near thereto, for the purpose of protecting and securing the timber, logs, and any other lumber for the use of the said Mills owned by the said George M'Leod.

3. The said George M'Leod and James Cameron may by themselves, their servants and agents, erect, construct, renew and repair from time to time, all such piers or abutments as may be necessary to secure and maintain the said Booms, or any of them; provided that nothing herein contained shall authorize or empower the said George M'Leod and James Cameron, their agents or servants, to enter upon the lands of any person without the consent of the owner or owners thereof first obtained in writing.

4. It shall be duty of the said George M'Leod and James Cameron, while the Boom mentioned in the first Section of

this Act is kept and maintained across the said river, and whenever any timber, logs or lumber coming down the said river is stopped by such Boom, to cause the said timber, logs or lumber to be examined and sorted each day, (Sundays excepted), and to select therefrom, without any unreasonable delay, all the timber, logs or any other lumber belonging to the said George M'Leod and James Cameron, and place the same within the Booms mentioned in the second Section of this Act, or otherwise to remove the same, and to allow all the remainder of such timber, logs, or lumber, to float down the said River Kouchibouguacis, to and over the sluice at the mill dam of the said George M'Leod, in the manner now accustomed; that if the said George M'Leod and James Cameron shall fail to put on a sufficient number of men daily as deemed necessary by the Boom Master, (Sundays excepted), to sort and pass all logs and timber coming into their Booms, and if the said George M'Leod and James Cameron fail to do so, then the owner or owners of lumber coming down said stream may put on men to pass and assort said timber and logs at the expense of the said M'Leod and Cameron.

5. If any person shall sustain any damage by the neglect or unreasonable delay of the said George M'Leod and James Cameron, their servants or agents, in carrying out the direction contained in the fourth Section of this Act, such person may obtain an action on the case against the said George M'Leod and James Cameron in the Supreme Court.

6. If any person or persons shall wilfully or maliciously destroy or injure the said Boom or Booms, or any of them, or any of the piers thereof, or works connected therewith, such person or persons shall be guilty of a misdemeanor, and on conviction be imprisoned in the Provincial Penitentiary for a period not exceeding three years.

7. All the rights, powers and privileges hereinbefore by this Act given to and vested in the said George M'Leod and James Cameron, and all the duties and liabilities by this Act imposed upon the said George M'Leod and James Cameron, shall vest in and attach to their heirs and assigns, being the owners of Mills on the Kouchibouguacis River, as fully and effectually in all respects as the same are given to and vested in and attach to the said George M'Leod and James Cameron.

8. All logs without mark shall be divided *pro rata* among the parties owning logs on said stream at the Sorting Boom.

## CAP. XL.

An Act in addition to an Act intituled *An Act to authorize the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain Lands in the said City, and to reinvest the proceeds thereof.*

Sec.

- 1 Commissioners may set apart certain Pews on which to borrow money.

Sec.

- 2 Remainder of Pews, how to be disposed of; proceeds of Pews, how applied.

*Passed 23rd March 1868.*

WHEREAS under authority of an Act of the General Assembly of this Province made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to authorize the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain lands in the said City, and to reinvest the proceeds thereof*, and of certain other Acts of the said Assembly subsequently passed in amendment thereof, the said Trustees did sell and dispose of the said lands and premises: And whereas Commissioners were appointed, as mentioned in the third Section of the said first