

public debt of the said City, as established and declared by an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act relating to the Public Debt of the Corporation of the City of Saint John*, and as consolidated and authorized by the hereinbefore mentioned Act passed in the twenty first year of the Reign of Her present Majesty, and by this Act.

8. All assessments under and by virtue of this Act, together with the costs and charges of assessing and collecting the same, shall be made, levied and collected in addition to and at the same time and in the same manner as the annual general assessments ordered by the said Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council, under the laws for the time being regulating the levying, assessing and collecting of rates in the City of Saint John, and the moneys when collected shall be applied toward the payment of the interest on the said City debt, and to no other purpose whatsoever.

CAP. XXXIX.

An Act to incorporate the Pokiok Stream Driving Company.

Sec.

- 1 Company incorporated.
- 2 Authority to enter upon and occupy lands.
- 3 Tolls authorized.

Sec.

- 4 Company to have lien on logs, &c.
- 5 When arbitrators shall be appointed to determine damages; proviso.

Passed 11th April, 1872.

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

1. That Charles E. Hill and Freeman H. Berry, their heirs, executors, administrators, or assigns, shall be and they are hereby entitled to all the powers and privileges incident to a Corporation by Act of Assembly of this Province, by the name of "The Pokiok Stream Driving Company," for the purpose of clearing out and building and repairing dams, and rebuilding sluices and sluice ways on the Big and Little Pokiok Rivers, and their tributaries, to the head waters of the same, to facilitate the driving of logs and timber therein.

2. The said Charles E. Hill and Freeman H. Berry, their heirs, executors, administrators, or assigns, shall have power and authority, by themselves or their agents and workmen, to enter into and upon and occupy for that purpose any lands bordering on said Rivers, or tributaries, as shall be necessary for constructing sluices from Little Pokiok River to Big Pokiok River, and for building dams and making other improvements which may be required to facilitate the driving of logs and timber therein, doing no unnecessary damage thereto; and the said Charles E. Hill and Freeman H. Berry, their heirs, executors, administrators, or assigns, shall be liable for all damages sustained by the taking of any land necessary to be taken and used for the purposes of this Act, and for any damages arising from their operations under this Act.

3. The said Charles E. Hill and Freeman H. Berry, their heirs, executors, administrators, or assigns, are hereby authorized to demand and receive tolls of and from all persons, owners of logs, timber and other lumber passing along said Rivers or tributaries, viz:—Ten cents for every thousand feet of logs, timber and other lumber passing through or over the dam or dams constructed, or that may hereafter be constructed on the said Rivers and tributaries by the said Charles E. Hill and Freeman H. Berry; and twenty cents for every thousand superficial feet of logs, timber or other

lumber passing through the sluice or sluices between Big and Little Pokiok Rivers.

4. The said Charles E. Hill and Freeman H. Berry, their heirs, executors, administrators, and assigns, shall have a lien on all logs and timber passing through such portions of the said Rivers or their tributaries as may be improved under the provisions of this Act, for the payment of all tolls assessed; and in case of refusal or neglect to pay, so much of said logs or timber of each owner thereof so refusing and neglecting to pay, as may be necessary to meet such assessment with the expenses, may be sold by the said Charles E. Hill and Freeman H. Berry, their heirs, executors, administrators, or assigns, to pay the same, after giving twenty days notice thereof, and the surplus (if any) to be returned to the party assessed.

5. Should the owner of any land over which any sluiceway is already built, or that may hereafter be built by virtue of this Act, or the owners of any land or property claiming damage for any act done under the authority of this Act, and the said Charles E. Hill and Freeman H. Berry not be able to agree as to the amount of damage, the same shall be determined by two disinterested persons, or their umpire, to be chosen as follows:—The said Charles E. Hill and Freeman H. Berry shall appoint one person to act as their arbitrator, and shall by writing notify the other person to appoint his arbitrator, and the said persons so appointed shall proceed to determine the amount of damages (if any) and award the same to the said owner; and in case the said arbitrators so appointed should not agree, then the said arbitrators to choose an umpire, whose decision shall be final and conclusive; should the person making a claim for any damages as aforesaid, neglect or refuse to appoint an arbitrator for the space of thirty days after receiving notice as aforesaid, the said Charles E. Hill and Freeman H. Berry shall be at liberty to appoint two arbitrators to determine the amount of the damages; and in case the said Charles E. Hill and Freeman H. Berry should neglect or refuse to appoint an arbitrator for the space of thirty days after receiving notice in writing of the claim for damages, the person so claiming damages shall be at liberty to appoint two arbitrators to determine the amount of the damage, the decision of the said arbitrators in either case to be final; provided that nothing in this Act contained shall affect any suit or action now pending in any Court in this Province against the said Charles E. Hill and Freeman H. Berry, or either of them, or any of their agents or servants, for damages by reason of any of the matters legislated upon in this Section.

CAP. XL.

An Act to extend the time for electing the Trustees of Churches in connexion with the Established Church of Scotland.

Passed 11th April, 1872.

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

That the time for the election of Trustees of Churches in connexion with the Established Church of Scotland, which is now provided by Act of Assembly 14th Victoria, Chapter nine, to be between the hours of twelve o'clock and three o'clock in the afternoon, shall be and is hereby extended to nine o'clock in the evening.