

for carrying on and managing the same, which powers hereby by this section of this Act given, are also in addition to the powers and rights already held by said Company.

6. The said Company shall have full power and lawful authority to purchase, take and hold so much of the lands, property, estate, tenements and hereditaments of private persons or Corporations as may be necessary for the putting, placing, erecting and maintaining the said additional boom or booms and piers provided for by this Act, and the said Company shall in all cases pay for said lands, property, estate, tenements and hereditaments so taken, held and used, such price as they the said Company and the owner or respective owners thereof, may mutually agree upon, and in case said parties shall not otherwise agree, the said Company shall pay such damages as shall be ascertained and determined in the manner provided for in the fourth Section of an Act intituled *An Act further to amend and continue the Act to incorporate the Fredericton Boom Company*, said Act last mentioned being eleventh Victoria, Chapter 50, and which was passed on the 30th day of March, A. D. 1848; provided that the said Company shall not take into their possession or occupy any boom or booms now made or erected, or now in operation, without the consent of the owner or owners thereof, until one year after the passing of this Act.

7. Nothing in this Act shall authorize the said Company to construct any piers, booms or other works on the eastern side of the River Saint John between the mouth of the Nashwaak and the mouth of the Nashwasis, nor on the western side of the said River between a point which would be the continuation of Shore Street and Baillie's Creek, so called; nor on the last mentioned side of the River between the lower line of property in the Parish of Kingsclear owned by Charles Hilton Green, and the lower line of property in the said Parish at present occupied by Colonel John Allen.

8. It shall be the duty of the said Company to keep the channel of the said River between the mouth of the Nashwaak and the mouth of the Mactaquac passable at all times as far as practicable for steamboats, boats, and other vessel property, as also for rafts.

9. Nothing in this Act shall interfere with persons having lumber coming down the Keswick River, rafting and securing their lumber at the mouth of the said Keswick and below it, as heretofore accustomed.

10. If any raft of logs or other lumber coming down the said River Saint John without men or a man on it, is carried into any of the booms of the said Company above the mouth of the Nashwasis, the owner or owners of such raft shall pay to the said Company, the sum of five cents per thousand for all logs and timber rafts: And it shall be the duty of the said Company, in reference to all such rafts of logs or timber, to deliver the said rafts of logs or timber in the like state and condition in which they were when they came into the boom, afloat at the tail of any of their booms, or at Springhill, or at some other safe and convenient place of delivery below Springhill: If shingle or cordwood rafts accidentally enter the said booms, they shall be delivered to the owner, freighter, or agent, as they pass out of the boom, free of charge and as soon as reasonably can be done.

11. It shall be the duty of the said Corporation to keep and maintain such and so many works as will effectually prevent the unnecessary encumbering of any of the intervals and islands in the River Saint John within the corporate limits, by the landing thereon of any floating timber, logs

or other lumber; and in the event of any timber, logs or other lumber being carried on to the said intervals or islands, it shall be the duty of the said Corporation without delay to remove the same from off such intervals and islands, and every of them, doing as little damage as possible to the banks or soil of any such islands or interval lands, and any damage occasioned to the owners of any lands within the limits of the aforesaid booms, by reason of the said timber, logs or other lumber being carried thereon, or by reason of the said Company's operations under the authority of this Act, shall be submitted to the award, arbitrament and determination of three persons, one of whom shall be chosen by the Company and one by the owner or occupier of the land, which two arbitrators shall choose a third, and the award and determination of these three arbitrators or any two of them shall be final and conclusive between the parties; and such arbitrators or any two of them may determine and award by whom and how the expenses of such reference shall be paid; provided always, that such reference may be made to one person if the parties can agree upon such one, who shall be vested with the like powers herein assigned to the three referees: In the event of either the owner or occupier of the land failing within ten days to name an arbitrator after application of the Company for that purpose, or the Company failing within ten days to name an arbitrator after application of the owner or occupier for that purpose, then the selection of the two arbitrators shall remain with the party who may have made his nomination, such two arbitrators to name a third, the award of whom or any two of whom to be final, and they or any two of them may determine and award by whom and how the expenses of such reference shall be paid.

12. The amount of any such award and the expenses thereof shall be paid within thirty days after the making of such award, and if not so paid within the specified time, the amount of such award with costs may be sued for in any Court of competent jurisdiction.

CAP. XXXIX.

An Act to amend an Act intituled "An Act to establish a Board of Health for the City of Fredericton."

Sec.

1 Second Section 29th Victoria, cap. 6, repealed.

Sec.

2 Number of members Board composed of; power of Board to make regulations.

Passed 10th April, 1875.

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

1. The second Section of an Act passed in the twenty ninth year of the Reign of Her present Majesty, intituled *An Act to establish a Board of Health for the City of Fredericton*, be and the same is hereby repealed.

2. The Board of Health for the said City shall consist of not more than five members, who shall be residents of the said City; the first person named in the Commission establishing the Board shall be the Chairman thereof; in his absence the second person named shall act as Chairman, and so in successive order in which the members of the Board are named, any three of whom shall constitute a quorum for the transaction of business: The Board may appoint a Clerk, and the orders and the regulations of the Board, signed by the Chairman and Clerk, shall be valid.