

## CAP. LXXII.

An Act to continue the privileges and rights granted by the the act 36 Victoria, chapter 81, relating to the piers and booms in the river Nicolet, and to amend the said act.

[Assented to 24th June, 1892.]

**W**HEREAS it is important and even necessary, in the Preamble.  
 interest of those engaged in the commerce of building and other timber on the river Nicolet and its tributaries, that the privileges and rights granted to Antoine Mayrand, Charles McCaffrey and Francis McCaffrey, of Nicolet, by the act 36 Victoria, chapter 81, should be continued for a further period of time ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** All the privileges and rights, granted to Antoine Privileges granted by 36 V., c. 81, extended for 20 years.  
 Mayrand, Charles McCaffrey and Francis McCaffrey, by the act of the Legislature 36 Victoria, chapter 81, are continued in favor of Charles McCaffrey and George Ball, for a period of twenty years from the date of the sanction of the present act, subject to the modifications hereinafter set forth.

**2.** Section 1 of the act 36 Victoria, chapter 81, is replaced 36 V., c. 81, s. 1, replaced.  
 by the following :

“ **1.** It shall be lawful for Charles McCaffrey and George Power to erect certain piers, booms, &c., on Nicolet River. Proviso.  
 Ball, of Nicolet, to erect piers, stationary booms and other fastenings, of a sufficient number and strength, to safely secure all logs and other lumber which may be made and brought down the said river Nicolet; provided, always, that the said piers and booms shall be so constructed and placed as in no way to interfere or obstruct the crossing or free intercourse and navigation of the said river.

It shall be lawful for the said Charles McCaffrey and Posts may be erected on lands, for security of booms. Proviso.  
 George Ball to place posts and all other means of fastening on the lands of riparian proprietors, for the security of the said booms, by the said Charles McCaffrey and George Ball, previously paying to the said proprietors thereof all damages which they may suffer therefrom.”

**3.** Section 2 of the said act 36 Victoria, chapter 81, is 36 V., c. 81, s. 2, replaced.  
 replaced by the following :

“ **2.** The said Charles McCaffrey and George Ball shall Power to make fast rafts, &c., on both sides of river. Proviso.  
 have the privilege to make fast and secure all rafts, booms and rafting materials on both sides or on either side of the said river Nicolet, from the forks or *l'Isle à la Fourche* to the outlet of the said river, they previously paying all damages caused to the proprietors or parties entitled thereto.”

36 V., c. 81,  
s. 3, replaced.

4. Section 3 of the said act 36 Victoria, chapter 81, is replaced by the following :

Power to levy  
tolls for use  
of booms, &c.

“ 3. It shall be lawful for the said Charles McCaffrey and George Ball, as an indemnity for the cost of erecting and maintaining the said piers and booms, and of the cost of all material necessary for the use of the said booms and piers, and also for the cost incurred in putting out such booms each Spring, (which said George Ball and Charles McCaffrey shall be held and obliged so to put out said booms each Spring, under pain of being held responsible for any real damages which may result from their default to comply with this obligation), and in taking them up each Autumn, to exact and receive during a period of twenty years from the day of the passing of this act, the following tariff of charges from all person or persons who make use in any way whatsoever, of the said piers, booms, or other material for the security of their wood, either voluntarily or involuntarily, when the said wood is secured by the said booms by being mixed with the wood of other persons, doing the same business on the said river Nicolet; provided, always, that, if any of the said persons do wish not to make use of the said booms, they do keep back and separate it, from that of the other persons who may do the same business in lumber on the said river Nicolet, at a distance above the forks or *l'Isle à la Fourche*, mentioned in the preceding section, in such a way as not to prevent the other persons from using the said booms, namely :

Rate of tolls.	For each white spruce log of 12 to 16 feet..	1½ cents per log ;
	“ “ hemlock log of 12 to 16 feet.....	1½ “ “ “
	“ “ pine log of 12 to 16 feet.....	1½ “ “ “
	“ “ stick or log of tamarac...1½ cents per stick or log ;	
	“ “ 100 cedar rails.....	1 cent per 100 rails ;
	“ “ cedar log.....	1 cent per log ;
	“ “ log of poplar or ash.....	1 “ “ “
	“ “ cord fire-wood.....	3 cents per cord ;
	“ “ tamarac log, for fire-wood.....	½ cent per length ;
	“ “ railway ties.....	1 cent ;
	“ “ every other piece of wood or log ; not comprised	
	in the above enumeration, one and one half cent for every	
	length of twelve to sixteen feet.”	

36 V., c. 81,  
s. 4, repealed.

5. Section 4 of the said act 36 Victoria, chapter 81, is repealed.

36 V., c. 81,  
s. 5, replaced.

6. Section 5 of the said act 36 Victoria, chapter 81, is replaced by the following :

Power to  
recover by  
such amount  
due for tolls,  
&c.

“ 5. It shall be lawful for the said Charles McCaffrey and George Ball to recover by action at law, in any court of justice in this Province, having jurisdiction for the same,

any amount which may become due to the said Charles McCaffrey and George Ball, from any party or parties who may have used or had the use of the said booms, for the preservation of his or their lumber or effects, in accordance with the provisions of the section 4 of this act, the amounts fixed and stipulated in the foregoing tariff.”

7. Section 6 of the said act 36 Victoria, chapter 81, is <sup>36 V., c. 81,</sup> replaced by the following : <sub>s. 6, replaced.</sub>

“6. Any person or persons wilfully or maliciously cutting, breaking, injuring or destroying any part or parts of the said piers, booms or piers and other constructions or fastenings, shall be liable to be prosecuted for all damages done to, or which may arise from the injury or breaking of the said booms, piers and other constructions, in consequence of the said wilful, or malicious cutting or breaking of the said booms, piers or fastenings, and on conviction thereof, before a court of competent civil jurisdiction according to the amount of the demand shall be liable, for all costs and damages occurring therefrom, and in default of payment, shall also be liable to imprisonment, according to the decision of the court or courts before which the said suit or suits shall have been brought.” <sup>Penalty for damaging booms, &c.</sup>

8. The said Charles McCaffrey, George Ball, or either of them, shall not transfer the rights and privileges hereby conferred upon them, without mutual consent, approved by the Lieutenant-Governor in Council. <sup>Rights not to be transferred without certain consent.</sup>

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C A P. L X X I I I .

An Act to amend the act 52 Victoria, chapter 75, relating to  
“The town and parish of Nicolet Bridge Company.”

[Assented to 24th June, 1892.]

**W**HEREAS the town and parish of Nicolet Bridge Company has, by its petition, presented that to enable it more effectually to attain the object of its incorporation, it should be empowered to temporarily construct a wooden bridge with wooden piers, and that it is expedient to grant the said petition ; <sup>Preamble.</sup>

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The first paragraph of section 2 of the act 52 Victoria, chapter 75, is replaced by the following : <sup>52 V., c. 75,</sup> <sub>s. 2, § 1,</sub> replaced.