

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1847. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1847.

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An Act further to amend and extend the provisions of an Act, intituled *An Act to incorporate this Saint Andrews and Quebec Rail Road Company.* Passed 23d March 1847.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the third section of an Act made and passed in the sixth year of the Reign of His late Majesty William the Fourth, as requires ten thousand shares of the Capital Stock to have been actually subscribed for before the said Corporation be authorized and empowered to make and constructs single or double Line of Rail Road from Saint Andrews to the Boundary Line of Lower Canada, be repealed; and that the said Corporation be and they are hereby authorized and empowered to proceed in the making and construction of the said Rail Road, in every respect as is provided by the said Act, when two thousand shares shall have been actually subscribed for.

II. And be it enacted, That the twenty fifth section of the above recited Act be and the same is hereby repealed; and in lieu thereof, the said Corporation, to entitle themselves to the privileges, benefits and advantages to them granted by the above recited Act, and by this Act, shall and they are hereby required to make and complete the said Rail Road from Saint Andrews, in the County of Charlotte, to Woodstock, in the County of Carleton, within ten years from the passing of this Act; and if the same shall not be so made and completed within the period before mentioned, so as to be used for the conveyance and carriage of passengers, goods, chattels, wares and merchandize thereon, then the above recited Act, and this Act, and every matter and thing therein respectively contained, shall cease and be utterly null and void.

III. And be it enacted, That it shall be lawful for the Directors of the said Corporation, until the said Railway shall be completed and opened to the public, to pay interest at any rate not exceeding six pounds per centum per annum, on all sums called up in respect of the shares, from the respective days on which the same shall be paid; such interest to accrue and be paid at such times and places as the said Directors shall appoint for that purpose: Provided always, that-no interest shall accrue to the proprietor of any share upon which any call shall be in arrear in respect of such shares, or any other share to be holden by the same proprietor, during the period while such call shall remain unpaid.

IV. And be it enacted, That the certificate of the proprietorship of any share in the said Company shall be admitted in all Courts as prima fade evidence of the title of any shareholder, his executors, administrators, successors, or assigns, to the share therein specified: Provided nevertheless, the want of such certificate shall not prevent the holder of any share from disposing thereof.

V. And be it enacted, That no shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the, time being due on every share held by him or her.

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VI. And be it enacted, That if before or on the day appointed for payment, any shareholder do not pay the amount of any call for which he is liable, then such, shareholder shall be liable to pay interest for the same, at the rate allowed by Law, from the day appointed for the payment thereof to the time of actual payment.

VII. And be it enacted, That the production of the Register of shareholders shall be *prima facie* evidence of any defendant being a shareholder, and of the number and amount of his shares.

VIII. And be it enacted, That so soon as fifty thousand pounds of the Capital Stock of the said Company shall have been subscribed, and the deposit of two pounds ten shillings per share shall have been actually paid, it shall be lawful for the said Corporation, and they are hereby authorised and empowered to proceed to the construction of the said Rail Road, as is provided in and by the third section of the above recited Act.

IX. And be it enacted, That the said Company shall and may (if they deem it expedient) make Branch Railways or extensions to every or any part of the Province, and manage such Branch Railways, and procure and own such Steam Boats or Vessels as may be necessary to ply in the Waters of the River Saint Croix, or in the Bay of Fundy, or either of them, in connexion with the said Railway, and for that purpose shall exercise and possess all the powers, privileges and authorities necessary for the management of the same, in as full and as ample a manner as they are hereby authorized to do with respect to the said Railway.

X. And be it enacted, That in order that the true state of the said Corporation shall be known, it shall be the duty of the President and Directors to file in the Office of the Secretary of the Province, for the information of the Legislature, at the expiration of seven years after the said Railway shall have been completed as aforesaid, a just and true statement and account of the monies by them disbursed and laid out in making and completing the said Railway in manner aforesaid, and also of the amount of tolls and revenues of the said Railway, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said seven years; the said several accounts and statements to be signed by the President and Treasurer of the said Corporation, and by such President and Treasurer attested to on oath before any one of Her Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said President and Directors of the said Corporation, once in each and every year after the expiration of the said seven years, to file in the said Office of the Secretary of the said Province, for the information of the said Legislature, a like statement and account, verified by the President and Treasurer as aforesaid.

XI. And be it enacted, That whatever may be the rate of divisible profits on the said Railway, it shall be lawful for Her Majesty's Government, if it shall think fit, subject to the provisions hereinafter contained, at any time after the expiration of the term of twenty one years, to purchase the said Railway, with all its hereditaments, stock, and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three calendar months notice in writing of such intention, and upon payment of a sum equal to twenty five years purchase of the

annual divisible profits, estimated on the average of the seven then next preceding years; provided that if the average rate of profits for the said seven years shall be less than the rate of fifteen pounds in the hundred, it shall be lawful for the Corporation, if they should be of opinion that the said rate of twenty five years purchase of the said average profits is an inadequate rate of purchase of such Railway, reference being had to the profits thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Corporation; provided also, that such option of purchase shall not be exercised except with the consent of the Corporation, while any such revised scale of tolls, fares and charges shall be in force.

XII. And be it enacted, That it shall be lawful for the Postmaster General, or his chief Deputy in this Province, by notice in writing under his hand, or under the hand of such Deputy as aforesaid, delivered to the said Company, to require that the Mails or Post Letter Bags shall from and after the day to be named in such notice, (being not less than twenty eight days from the delivery thereof,) be conveyed and forwarded by the said Company on their Railway, either by the ordinary trains of carriages, or by special trains, as need may be, at such hours or times in the day or night, as the Postmaster General or his said Deputy shall direct, together with the guards appointed and employed by the Postmaster General, or his said Deputy, in charge thereof, and any other officers of the Post Office; and thereupon the said Company shall from and after the day to be named in such notice, at their own costs, provide sufficient carriages and engines on the said Railway for the conveyance of such Mails and Post Letter Bags, to the satisfaction of the Postmaster General or his said Deputy, and receive and take up, carry or convey, by such ordinary or special train of carriages, or otherwise as need may be, all such Mails or Post Letter Bags as shall for that purpose be tendered to them, or any of their officers, servants, or agents, by any officer of the Post Office, and also receive, take up, carry and convey, in and upon the carriage or carriages carrying such Mail or Post Letter Bags, the guards in charge thereof, and any other officer of the Post Office; and shall receive, take up, deliver and leave such Mails or Post Letter Bags, guards and officers, at such places in the line of such Railway, on such days, and such hours or times in the day or night, and subject to all such reasonable regulations and restrictions as to speed of travelling, places, times and durations of stoppages, and times of arrival, as the Postmaster General or his said Deputy shall in that behalf from time to time order or direct; provided always, that the rate of speed so required shall in no case exceed the maximum rate of speed prescribed by the Directors of the said Company for the conveyance of passengers by their first class train, nor shall the Company be responsible for the safe custody or delivery of any Mail Bags so sent.

XIII. And be it enacted, That the said Company shall be entitled to such reasonable remuneration to be paid by the Postmaster General or his Deputy, for the conveyance of such Mails, Post Letter Bags, Mail guards, and other officers of the Post Office, in manner required by such Postmaster General, his Deputy, or by such other officer of the Post Office as he shall in that behalf nominate as aforesaid, as shall (either prior to or after the commencement of such service) be fixed and agreed on between the Postmaster General or his Deputy, and the said Company; or, in case of difference between them, the same shall be referred to the award of two persons, one to be named by the Postmaster General or his Deputy, and the other by the said Company; and if such two persons cannot agree on the amount of such remuneration or compensation, then to the

umpirage of some third person, to be appointed by such two first named persons, previously to their entering upon the inquiry; and the said award or umpirage, as the case may be, shall be binding and conclusive on the said parties, and their respective successors and assigns.

XIV. And be it enacted, That in all references to be made under the authority of this Act, the Postmaster General, his Deputy, or the said Company, as the case may be, shall nominate his or their arbitrators within fourteen days after notice from the other party, or in default, it shall be lawful for the arbitrator appointed by the party giving notice, to name the other arbitrator; and such arbitrators shall proceed forthwith in the reference, and make their award therein within twenty eight days after their appointment, or otherwise the matter shall be left to be determined by the umpire; and if such umpire shall refuse or neglect to proceed and make his award for the space of twenty eight days after the matter shall have been referred to him, then a new umpire shall be appointed by the two first named arbitrators, who shall in like manner proceed and make his award within twenty eight days, or in default, be superseded, and so toties quoties.

XV. And be it enacted, That the said Company, on being required so to do by Her Majesty's Government, shall be bound to allow any person or persons duly authorized by Her Majesty's Government, with servants and workmen, at all reasonable times, to enter into or upon the lands of the said Company, and to establish and lay down upon such lands adjoining the line of the said Railway, or any of its branches or extensions, a line of Electrical Telegraph for Her Majesty's service, and to give to him and them every reasonable facility for laying down the same, and for using the same for the purpose of receiving and sending messages on Her Majesty's service, subject to such reasonable remuneration to the Company as may be agreed upon between the Company and Her Majesty's Government; provided always, that, subject to a prior right of use thereof for the purposes of Her Majesty, such Telegraph may be used by the Company for the purposes of the Railway, upon such terms as may be agreed upon between the parties, or, in the event of differences, as maybe settled by arbitration.

XVI. And be it enacted, That no dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable, shall have been paid.

XVII. And be it enacted, That if any other Railway Company, incorporated by law, shall build and construct any other Railway from any place or places in the Province, it shall be lawful for the said Railway Company so building and constructing the said other Railway, to form a junction with the main trunk, or any branch or extension thereof which may be built and constructed by the said Saint Andrews and Quebec Rail Road Corporation, at such point or points, place or places, as may be desired or considered most advantageous by such Railway Company; and the said Saint Andrews and Quebec Rail Road Corporation shall convey and transport all passengers, goods, chattels and merchandize of every kind, so arriving at the said junction, onwards and backwards at all convenient and usual times, on the said trunk or any branch thereof, without any unnecessary delay or hindrance, to their respective destinations, subject to the payment of such rates, tolls or dues per mile as may be paid in similar cases to the said Saint Andrews and Quebec Rail Road Corporation.

XVIII. And be it enacted, That all persons taking shares as aforesaid, shall or may deposit the said sum of two pounds ten shillings per share, either in the Bank of British North America in England, or any of its Branches in the British North American Colonies, or such other Bank or Banks in London or elsewhere in Great Britain, and in the said British North American Colonies, as the Directors of the Corporation, or the Committee or Committees corresponding with those in Great Britain, or in any of the said Colonies, shall from time to time appoint for that purpose.

XIX. And be it enacted, That the Directors of the said Rail Road shall be bound to provide such conveyance as aforesaid for the said Military, Marine, and Police Forces, at such time or times (whether the same shall be the usual hours of starting trains or not) as shall be required or appointed by any officer duly authorized for that purpose.

XX. And be it enacted, That the Directors of said Corporation, subject to the provisions and limitations herein or in the said recited Act contained, shall have power from time to time to alter or vary the toll by the said recited Act, or this Act, authorized to be taken either upon the whole or upon any particular portions of the said Rail Road, or its branches or extensions, as they shall think fit; provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect of all passengers, and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of Rail Road under the same circumstances; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favor of or against any particular Company or person travelling upon or using the Railway; and it shall not be lawful for the Directors of the said Corporation at any time to demand or take a greater amount of toll, or make any greater charge for the carriage of passengers or goods, than they are by this and the said recited Act authorized to demand; and upon payment of the tolls from time to time demandable, all Companies and persons shall be entitled to use the Rail Road with engines and carriages, properly constructed, as by this and the said recited Act directed; subject, nevertheless, to the provisions and restrictions of the said recited Act, and of this Act, and to the regulations to be from time to time made by the Corporation by virtue of the powers in that behalf hereby and by the said recited Act conferred upon them.

XXI. And be it enacted, That no bye laws, orders, rules and regulations, made under and by virtue of the power and authority of the hereinbefore recited Act, shall be of any force or effect until one calendar month after a true copy of such bye laws, orders, rules or regulations, certified under the hand of the President of the said Company, shall have been laid before the Lieutenant Governor or Administrator of the Government in this Province for the time being, for his approval or disapproval; unless the Lieutenant Governor or Administrator of the Government shall, before such period, signify his approbation of the same.