

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1848. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1848.

11 Victoria – Chapter 48

An Act in addition to and amendment of an Act further to amend and extend the provisions of an Act, intituled *An Act to incorporate the Saint Andrews and Quebec Rail Road Company*. Passed 30th March 1848.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in determining the amount of damages or compensation to be paid by the said Saint Andrews and Quebec Rail Road Company to the proprietors or occupiers of any land or premises, which the said Company may require for the purposes of the said Rail Road, or which may be damaged in any way by the construction of the same, regard shall be had to the value of such land or premises before the present year, and not to the increased value which the construction of the said Rail Road will occasion, and that such damages or compensation, in the case of disagreement, shall be ascertained and determined in such manner and form, and by such ways and means, as shall be directed and prescribed by any Act now in force or to be passed at the present or any future Session of the General Assembly of this Province.

II. And be it enacted, That at the next annual general meeting of the said Saint Andrews and Quebec Rail Road Company, and at every subsequent annual general meeting thereafter, it shall and may be lawful for the shareholders present, or appearing by proxy, instead of thirteen Directors as heretofore, to choose by a majority of votes, twenty Directors, being proprietors of at least ten shares each in the said Company; which Directors so chosen, shall remain in office one year, or until others are chosen in their place, and shall at the first meeting after their election, choose one of their number President of the said Company; provided always, that not less than five Directors shall form a quorum for the transaction of business; and in case of absence of the President, the Directors present shall have power to appoint one of their number Chairman for the occasion; and provided also, that the President or Chairman for the time being, shall vote at the board as a Director, and in case of there being an equal number of votes for and against any question before the Board of Directors, shall have the casting vote, although he may have given one vote before.

III. And be it enacted, That if it should so happen that the said Directors or other officers in the said Saint Andrews and Quebec Rail Road Company should not be chosen on the first Tuesday in May in any year, as directed by the Act of Assembly incorporating the said Company, made and passed in the sixth year of the Reign of His late Majesty William the Fourth, that then it shall and may be lawful to choose such Directors and Officers on any other day, between the hours of twelve at noon and three in the afternoon of such day, on giving fourteen days notice of the time and place of such meeting in the Royal Gazette or other newspaper published at Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews; and in case any Director shall be removed by the Stockholders for misconduct or mal-administration, his place shall be filled up by the stockholders, fourteen

days notice being in like manner given of the time and place of meeting for such purpose; and in case of any vacancy among the Directors by death, resignation, or disqualification by sale and transfer of stock, then and in either of such cases the said Directors shall and may fill up such vacancy, by choosing one of the stockholders, duly qualified, in his stead; and the person so chosen by the stockholders or Directors, shall serve until another be chosen in his room, any thing in the hereinbefore mentioned Act incorporating the said Company to the contrary notwithstanding.

IV. And whereas four thousand shares of the capital stock of the said Saint Andrews and Quebec Rail Road Company have been set apart by the said Company for shareholders in the United Kingdom, and a portion of such shares have already been subscribed and a deposit paid thereon by noblemen and gentlemen there resident: And whereas the said Company are desirous of creating a distinction between the shares held in the United Kingdom and the other shares in the said Company, and of yielding certain privileges and advantages to the shares held in the said United Kingdom; Therefore be it enacted, That four thousand shares in the said Company shall and may be set apart by the Directors of the said Company for shareholders in the United Kingdom, to be designated as shares in class A, and shall be numbered consecutively from number one to number four thousand inclusive, in the said class A; and that all other shares in the said Company shall be designated as class B, and shall be numbered consecutively from number one to such number of shares as may be subscribed for or issued by the said Company.

V. And be it enacted, That the Directors of the said Company shall and may have power to assign and transfer to the holders of shares in class A, the whole or any part of any guarantee of interest, grant of money or lands, or other benefit, profit or advantage, which now hath been, or hereafter may be granted, conceded or allowed to the said Company, by Act of Assembly in this Province, or otherwise howsoever; and that for the more effectually carrying out and perfecting the said assignment or transfer, or more than one if necessary, that the Directors of the said Company shall have power to establish an agency in London for the transaction of business with reference to the said shares in class A, subject to such rules and regulations as shall be prescribed by the bye laws of the said Company.

VI. And be it enacted, That whenever it shall be necessary to move any of the Officers or Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia, or Police Force, by the said Saint Andrews and Quebec Railway, or any of its Branches, the Directors thereof shall and they are hereby required to provide conveyances for the said Military, Marine, and Police Forces respectively, with their Baggage, Stores, Arms, Ammunition and other necessaries and things, 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, at such prices and upon such conditions as may from time to time be contracted for between the Secretary at War or some Officer duly authorized for that purpose, and the said Company.

VII. And be it enacted, That if a Line of Electrical Telegraph shall be established by the said Company upon the Line of the said Saint Andrews and Quebec Railway, or any part thereof, or upon any of its Branches, otherwise than exclusively for the purposes of the said Railway, the use

of such Electrical Telegraph for the purpose of receiving and sending messages, shall be subject to the prior right of use thereof for the service of Her Majesty, and for the purposes of the said Company, and subject also to such equal charges and to such reasonable regulations as may be from time to time made by the said Company, be open for the receiving and sending of messages by all persons alike, without favour or preference.

VIII. And be it enacted, That it shall be lawful for the Lieutenant Governor or Administrator of the Government in this Province for the time being, at any time either before or after any bye law, order, rule or regulation laid before him by the said Company, shall have come into operation, to notify to the said Company his disallowance thereof, and in case the same shall be in force at the time of such disallowance, the time at which the same shall cease to be in force, and no bye law, order, rule or regulation which shall be so disallowed, shall have any force or effect whatsoever, or if it shall be in force at the time of such disallowance, it shall cease to have any force or effect at the time limited in the notice of such disallowance, saving in so far as any penalty may have been already incurred under the same.