

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1855. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1855.

18 Victoria – Chapter 74

An Act to incorporate the Lewy's Island Railroad Company. Passed 12th April 1855.

Section.	Section.
1. Company incorporated with general and special powers.	6. A toll granted.
2. Capital to be £50,000: management vested in seven Directors.	7. Fences to be maintained
3. First meeting, how called.	8. Malicious obstructing of the road, &c., penalty.
4. Authority to make bye laws.	9. Annual meeting, time for, business, and voting.
5. Power granted may be exercised by the President, &c.; other powers specified.	10. Time for completion of the Railroad.

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

1. That William Todd, John M'Adam, Joseph E. Eaton, W. E. M'Allister, J. H. M'Allister, Horatio N. Hill, Henry F. Eaton, Z. Chipman, Robert M. Todd, Joseph Marks, and John Marks, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of "The Lewy's Island Railroad Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies by law and equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter enjoined, and to prevent all invasion thereof in exercising and performing the same; and the Corporation aforesaid are hereby authorized and empowered to locate and construct, and finally complete, alter, and keep in repair, a Railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from the Upper Mills, so called, in the Parish of Saint Stephen, and County of Charlotte, in this Province, over the most practicable route along or near the left bank of the River Saint Croix to Sprague's Falls, so called, in the said Parish of Saint Stephen, whenever the said Company may deem it expedient so to do, and to make such branches thereof as they shall deem proper; and the said Company shall be and are hereby invested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and objects of this Act; and for this purpose said Corporation shall have the right to purchase or take and hold so much of the land and other real estate of private persons or Corporations as may be necessary for the location, construction, and convenient operation of said Railroad and branches thereof, and stations connected therewith; and they shall also have the right to take, remove, and use, for the construction and repair of said Railroad and appurtenances, any earth, gravel, stone, timber, or other materials on or from the land so taken, provided however, that said land so taken for the route of said Railway shall not exceed four rods in width, except when greater width is necessary for the purpose of excavation and embankment; and

provided also, that in all cases said Corporation shall pay for said lands, estate, and materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon, and in case said parties shall not otherwise agree, the said Corporation shall any such damages as shall be ascertained and determined in the same manner and under the same conditions and limitations as are provided by the second Section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Saint Andrews and Quebec Railroad*, as also for the recovery of the same, and the land so taken by said Corporation shall be held as lands taken and appropriated for highways, and all applications for damages shall be made within three years from the time of taking such land or other property, and not after.

2. The capital stock of the said Corporation shall consist of fifty thousand pounds, to be divided into two thousand shares of twenty five pounds each; and the immediate government and direction of the affairs of the said Corporation shall be vested in seven Directors, who shall be chosen by the members of the said Corporation in the manner hereinafter provided, and shall hold their office until others are chosen in their stead, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be President of the Board, who shall also be President of the Corporation, and shall have authority to choose a Clerk, who shall be sworn to the faithful discharge of his duty, and a Treasurer, who shall be sworn and also give bonds to the Corporation with sureties to the satisfaction of the Directors in a sum not less than two thousand pounds, for the faithful discharge of his trust.

3. Any three of the persons named in the first Section of this Act. are hereby authorized to call the first meeting of the said Corporation by giving notice in one or more Newspapers published in the said County of Charlotte, of the time and place and purposes of such meeting, at least fourteen days before the time mentioned in such notice.

4. The said Corporation shall have power to make, ordain, and establish all necessary bye laws and regulations consistent with the laws in force in this Province, for their own government, and the due and orderly conducting of affairs, and the management of their property.

5. The President, Directors, and Company for the time being, are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the Corporation for the purposes of locating and completing said Railroad and branches, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the Corporation as may be necessary and proper to carry into effect the objects of this Act; to purchase and hold within or without the Province, land, materials, engines, cars, and other necessary things, in the name of the Corporation, for the use of said Road, and for the transportation of persons, goods, and property of all descriptions; to make such connection as they think proper with other Railroad Companies within or without the Province, either by leasing their Road to other Corporation or Corporations on such terms and for such length of time as may be agreed upon, or by consolidating the stock of their Road with that of other Railroad Companies or Company upon such terms as may be agreed upon; to make, execute, and deliver good and sufficient mortgage deed or deeds of their Road and all its branches

to such private persons or Corporations within or without this Province, as they may think the interest of the stockholders in their Company requires, and to make such equal assessments from time to time on all the shares in said Corporation as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid to the Treasurer of the Corporation; and the Treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the bye laws of said Corporation, the Directors may order the Treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the Corporation for the balance if his share or shares shall sell for less than the assessment due thereon with interest and cost of sale, and shall be entitled to the overplus if his share or shares shall sell for more than the assessment due with interest and cost of sale, provided that no shareholder in said Company shall be in any manner whatever liable for any debt or demand due by said Company beyond the amount of his, her, or their shares in the capital stock of said Company not paid up, and no assessment shall be laid upon any shares in said Company for a greater amount than twenty five pounds per share in the whole.

6. A toll is hereby granted and established for the sole benefit of said Corporation upon all passengers and property of all descriptions, which may be conveyed or transported by them upon said Road, at such rate as may be agreed upon and established from time to time by the Directors of said Corporation.

7. The said Railroad Corporation shall erect and maintain substantial, legal, and sufficient fences on each side of the land taken by them for their Railroad, where the same passes through enclosed or improved land, or lands that may hereafter be improved, and for neglect or failure to erect and maintain such fences, said Corporation shall be liable to be indicted in any Court having competent jurisdiction within and for the County of Charlotte, and to be fined in such sum as shall be adjudged necessary to repair the same, and such fines shall be collected and paid as other fines are by law collected and paid, and shall be expended for the erection or repair of such fence, under the direction of an agent appointed by the Court imposing said fine; provided however, said fences may be dispensed with at the receiving and landing places of passengers and freight, and at such other places as fences are not elsewhere usually required.

8. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said Railroad, or in any way spoil, injure, or destroy said Railroad, or any part thereof, or of any of its branches, or any thing belonging thereto, or any materials or implements to be employed in the construction or repair, or for the use of said Railroad and branches, he, she, or they, or any person or persons aiding, assisting, and abetting such trespass, shall forfeit and pay to said Corporation for every such offence treble such damages as shall be proved before the Justice, Court, or Jury before whom the trial shall be had, to be sued for before any Justice or in any Court proper to try the same, by the Treasurer of the Corporation, or other officer whom they may direct, to the use of the Corporation; and such offender or offenders shall be liable to indictment by any Grand Jury of the County of Charlotte, or of any County within which

such trespass shall have been committed, or any offence or offences contrary to the above provisions, and upon conviction thereof before any Court competent to try the same, shall pay a fine not exceeding one hundred pounds to the use of the Province, or may be imprisoned in the Provincial Penitentiary and kept at hard labour for a term not exceeding five years, at the discretion of the Court before whom such conviction may be had.

9. The annual meeting of the said Corporation shall be holden on the last Wednesday in July, or such other day as shall be determined by the bye laws, at such time and place as the Directors for the time being shall appoint; at which meeting the Directors shall be chosen by ballot, each proprietor by himself or his proxy being entitled to as many votes as he holds shares; and the Directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the Corporation by their bye laws shall direct.

10. The said Company, to entitle themselves to the privileges, benefits, and advantages to them granted in this Act, shall and they are hereby empowered to make and complete the said Railroad from its lower terminus to its upper terminus within five years from the passage 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, and chattels thereon, then this Act, and every matter and thing therein contained, shall cease and be utterly null and void.