

Agreements with
and discharges
by Corporations
and Trustees for
lands taken, to be
valid.

XXIX. And be it enacted, That when the said Company shall take any land or estate of any body corporate, aggregate or sole, guardians, committees, executors or administrators, or other trustees whatsoever, held for and on behalf of those whom they represent, whether corporations, infants, idiots, lunatics, feme coverts, persons deceased or beyond seas, or other person or persons whatsoever, who are or shall be possessed of or interested in the said land or estate, the respective contracts, agreements and sales of the said Corporations, guardians, committees, executors, administrators, or other trustees whatsoever, shall be valid and effectual in law to all intents and purposes whatsoever, and their respective receipts shall be good and valid releases and discharges therefor; and it shall be lawful for them respectively to agree and settle with the said Company for damages, (if any) by reason of taking such land or estate aforesaid, and in case of disagreement, such damage to be ascertained and settled as provided by the twenty seventh section of this Act.

Power to enter on
lands and take
materials for the
construction and
repair of the
Railway.

XXX. And be it enacted, That the said Company, their superintendents, engineers, agents, and workmen, may enter upon the land adjoining the said Railway, and from thence take and carry away any timber, stone, gravel, sand and earth, or materials necessary for the construction of the said Railway; and in case of any slip happening, or being apprehended to any cutting, embankment, or other work belonging to the said Railway, the said agents and workmen shall at all times hereafter have full egress and regress into and upon such adjoining lands, for the purpose of repairing and preventing such accident, and to do such works as may be necessary for the purpose; provided always, that such works shall be as little injurious to the said adjoining land as the nature of the operations will admit of, and shall be executed with all possible despatch; in all which cases the damage incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the twenty seventh section of this Act.

Fences to be main-
tained on each side
of the Railway.

XXXI. And be it enacted, That the said Company, at their own proper costs and charges, shall erect and maintain on each side of the said Railway sufficient fences, wherever the same may be necessary, in order to protect the public, or wherever any cleared or cultivated land occurs on the line of the said Railway; and for neglect or failure to erect and maintain such necessary fences, the said Company shall be liable to be indicted at any Court of Oyer and Terminer or General Sessions for the County where such fences shall be insufficient, and to be fined in such sum as shall be then and there adjudged; and such fine shall be expended for the erection or repair of said fences, and for compensation of individual damage, as the case may be; and it shall and may be lawful for the Justices of the said Court of Oyer and Terminer or General Sessions, to make such order for levying the said fine on the property of the said Company, or otherwise, as to them shall seem most proper to the exigencies of the case, which said fine shall be exclusive of any claim for damages which any party may sustain by any such neglect or failure as aforesaid.

Gates to be main-
tained across high-
ways intersected by
the Railway.

XXXII. And be it enacted, That whenever the said Railway or any of its Branches cross, or shall hereafter cross any highways, turnpike road, statute labour or private road for carriages of any description, within this Province, the said Company shall make and maintain good and sufficient gates across each end of such highway, turnpike, or other road, which gates shall be constantly closed, except during the time when horses, cattle, carts or carriages passing along such turnpike or other road, shall have to cross such Railway; and such gates shall be of such dimensions and so constructed, as when closed across the ends of such turnpike or other road, to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway; provided always, that it shall be lawful (in case it shall be more conducive for the public safety,) for the said Company, at their own expense, to carry such turnpike or other road over and under such Railway by means of a bridge or archway, in lieu of crossing the same on the level.

Proviso.

Company affairs to
be managed by a
Board of fifteen
Directors.

XXXIII. And be it enacted, That the immediate government and management of the affairs of the said Company, shall be vested in fifteen Directors, who shall be proprietors of at least fifty shares each, and who shall be chosen by the shareholders of the said Company in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places; that not less than five Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their number as Chairman in his stead; that the President 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 them, the President shall have the casting vote.

Quorum.

Votes.