

lumber, and all other lumber of any kind or description, and all goods, wares, merchandise, produce, or commodities of every description laying, being, or passing in or through the said Dock, and for warehousing and keeping the same, the rates of which Dock fees, wharfage, or dues, shall be regulated and established by the bye laws of the said Company, being first submitted to His Excellency the Lieutenant Governor and Council for approval; and in case the owner, shipper, supercargo, or captain of any such ship, steamer, vessel, or boat, or the owner or owners of all such commodities and property mentioned as aforesaid, shall refuse or neglect to pay the Dock fees, wharfage, or dues as aforesaid, the said Company shall have a lien upon the same, and may detain all or any portion thereof, and may sell and dispose of so much of said property or commodities as will pay the amount of Dock fees, wharfage, or dues due on the same, together with all necessary charges and costs, first giving at least ten days notice in writing to the owner or agent of the owner of such property or commodities, and in case the said Dock fees, wharfage, or dues be not then paid, to advertise the time and place of sale at least six days previous thereto.

16. If any shareholder shall fail to pay the amount of any assessment made by the said Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount in any Court of law or equity having jurisdiction, and to recover the same with interest and costs.

17. In any such action it shall be sufficient for the Company to declare that the defendant is the holder of one share or more in the said Company, (state the number of shares), and is indebted to the Company in the sum to which the assessment or assessments in arrears shall amount, in respect of one assessment or more upon one share or more, (state the number and amount of such assessment), by means of which an action hath accrued to the Company by virtue of this Act.

18. On the trial or hearing it shall be sufficient to prove that the defendant at the time of making such assessment was a holder of one share or more in the said undertaking, and that such assessment was in fact made, and it shall not be necessary to prove any other matter whatsoever, and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest and costs.

19. Unless at least five hundred pounds of the capital stock of the said Company be paid within five years from the passing of this Act, then this Act shall be null and void.

SCHEDULE A.

To the Sheriff or Deputy Sheriff (or Coroner, in case Sheriff interested) of the County of Westmorland.

You are hereby commanded to summon a Jury of five disinterested freeholders of your County on the _____ day of _____ at _____ of the clock in the _____ noon, and then and there to assess the damages (if any) which has been occasioned to the lands and premises of A. B., situate at Moncton, by reason of the works and operations of the Petibodiac Wet Dock Company.

[L. S.]

C. D. } Justices of the Peace for the
E. F. } County of Westmorland.

CAP. LXXIV.

An Act to incorporate the Lewy's Island Railroad Company.

Section.

1. Company incorporated with general and special powers.

Section.

2. Capital to be £50,000: management vested in seven Directors.

Section.

3. First meeting, how called.
4. Authority to make bye laws.
5. Power granted may be exercised by the President, &c.; other powers specified.
6. A toll granted.

Section.

7. Fences maintained on each side of road.
8. Malicious obstructing of the road, &c., penalty.
9. Annual meeting, time for, business, and voting.
10. Time for completion of the Railroad.

Passed 12th April 1855.

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 pay 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.