



BY AUTHORITY.

ANNO TRICESIMO QUARTO VICTORIÆ REGINÆ.

CAP. XLIX.

An Act to incorporate the Saint Martins and Upham Railway Company.

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Passed 17th May 1871.

WHEREAS the persons hereinafter named, and others, have petitioned for incorporation as a Company to construct the Railway hereinafter described, and the construction of such Railway would be of great benefit to the commerce of the section of this Province through which it is to be constructed, and greatly to the advantage of the City of Saint John and the Town of Saint Martins;—

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

1. That William H. Rourke, Joshua C. Upham, John M'Cready Snow, Gilbert W. Titus, Edward Nugent, Nathaniel H. Upham, Newton Smith, Thomas Worrall, Jesse Tabor, and William Titus, with all such other persons and Corporations as shall become shareholders in the Company to be incorporated under this Act, shall be and are hereby constituted and declared to be a body politic and corporate, by and under the name and title of "The Saint Martins and Upham Railway Company," and they shall constitute such Corporation, and shall have perpetual succession and a corporate seal, with power to alter and modify the same at their pleasure, and to plead and be impleaded, answer and be answered, defend and be defended in all Courts of Justice, and all other powers and privileges incident to Railway Corporations in general, subject however to the provisions hereinafter contained.

2. The said Company and their agents and servants may, and they are hereby authorized to lay out and construct, make and finish, alter and keep in repair, run and work a

wooden or iron Railway, with one or more sets of rails or tracks, with all suitable bridges, archways, turnouts, tunnels, culverts, drains, and all other necessary appendages, and to erect such wharves, moles, jetties, piers, docks, harbours, landings, dykes, buildings, depots, and warehouses, either at the termini or on the line of the said Railway, and to purchase and acquire such stationary or locomotive engines and carriages, waggons, floats, and other machinery and contrivances, and real or personal property, as may be necessary for the making and maintaining the said Railway, and for the transport of passengers and merchandize thereon, and for other purposes of this Act. and may hold and possess the lands over which the said Railway is to pass, and such adjoining lands as may be required, from the Town of Saint Martins on the shore of the Bay of Fundy at Quaco Harbour, in the County of Saint John, through the Parish of Saint Martins in the said County, and through the Parishes of Upham and Hampton, in King's County, to some point on the European and North American Railway at or near Hampton Railway Station, with power to connect with the said Railway.

3. The said Company is also empowered to lay out, construct, make, finish and run branch Railways at such point or points from the main line to such places as may hereafter be determined upon, and to connect any Railway they may build and construct under this Act with any other Railway existing or to be constructed within the Province of New Brunswick; and the said Corporation shall receive and transport all persons, goods and property of all descriptions which may be carried and transported to the Railway of the said Corporation, or such other Railway as may be hereafter connected therewith, at the same rate of toll and freight as may be prescribed by said Corporation.

4. The capital stock of the said Company shall be two hundred and fifty thousand dollars, divided into two thousand five hundred shares of ten dollars each, with the right of increasing the said capital stock to three hundred and fifty thousand dollars, when deemed advantageous by a majority of the stockholders of the said Company; the said capital stock when raised, or any part, portion or amount of it, shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates relating to the works hereby authorized; and all the remainder of such money shall be applied towards making, constructing, maintaining, and working the said Railway and its branches, and for no other purpose whatever incompatible with this Act or the Law.

5. The immediate government and management of the affairs of the said Company shall be vested in seven Directors, who shall be the proprietors of at least twenty shares each; 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: 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.

6. William H. Rourke, Joshua C. Upham, John M'C. Snow, Gilbert W. Titus, Edward Nugent, Newton Smith, and Thomas Worrall, are hereby constituted and appointed the first Directors of the Company, and until others shall be appointed as hereinafter prescribed, they shall constitute the Board of Directors of the said Company, with power to fill any vacancies that may occur therein, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of shareholders for the election of other Directors, as hereinafter provided, and generally to do all such other things as such Board under the provisions of this Act may lawfully do: The said Directors are also hereby empowered to take all necessary steps for opening the stock books for the subscriptions of parties desirous of becoming shareholders in the said Company,