

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 gate 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 or under such Railway by means of a bridge or archway, in lieu of crossing the same on the level.

37. It shall be lawful for the said Company to receive, either by Grant from Government or from any private individuals or corporations, as aid in the construction of the said Railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts or in payment of stock, and legally to dispose of the same and alienate the lands or other real or personal property, for the purposes of the said Company, in carrying out the provisions of this Act.

38. It shall be lawful for the said Company from time to time to purchase, lease, detain, hold, receive and use any lands along or in the vicinity of or separated from the Railway track of the said Company, and if separated from the said track, with the right of passage to communicate therewith, that it shall please Her Majesty or any person or Corporation to give, grant, sell or make over to the said Company; and it shall be lawful for the said Company to cut down timber and to extract out of the ground gravel or stone on the said lands, to be used for the building, maintaining or working of the said Railway, or to be sold; to establish thereon stations, tramways, branch roads, workshops, woodyards, and quarries; and to sell the firewood and lumber that may be cut down on such lands, and from time to time to sell or dispose of such portions of the said lands as may not be required by the Company for the procuring of gravel or erection thereon of tramways, branch lines, woodsheds, stations, workshops, or for any other need of the said Company; and the said Company shall have generally the power of buying, transporting, and selling firewood.

39. In the borrowing of moneys by way of loan, the Debentures of the said Company shall and may be in the form contained in the Schedule E annexed to this Act, or in any other form similar thereto, and need not be before a notary, and shall have the effect of creating a hypothec and mortgage upon the said Railway, and the lands and property thereof, and the registration at full length of a Debenture (without the interest Coupons thereto attached) in the said form in the Registry Office for the Counties in which part of the said Railway may be, which said registration, for the purposes of this Act, and of the loan to be made in virtue thereof, shall be held and deemed to be a special registration of the said Railway, and of all the lands and property thereof in each County or locality through which such Railway may pass or lie, shall perfect the hypothec and mortgage created by such Debenture, as regards all parties whatsoever; and the Debenture and hypothec and mortgage thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the Debenture, and have the effect of mortgaging and charging all the lands and property of the said Company, without any other more formal or particular description; and the description in the said Schedule E shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short, all the immovable estate belonging to the said Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding.

40. If after the registration in the Registry Office of the said County, of a Debenture of the said Company creating a mortgage and hypothec, such Debenture shall be presented at the said Registry Office, with the word "cancelled," and

the signature of the President or other duly authorized Director of the said Company, or of the Secretary and Treasurer of the said Company, written across the face of the said Debenture, the Registrar or his Deputy, on receiving the fee of twenty five cents in that behalf, and on proof of the cancellation, by the oath of one credible witness, (which oath the Registrar or his Deputy is hereby authorized to administer), shall forthwith make an entry in the margin of the register against the registry of such Debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature, and thereupon the cancelled Debenture shall be filed and remain of record in the said Registry Office.

41. And to facilitate the registration of the Debentures of the said Company creating a hypothec and mortgage, and the cancellation thereof, be it enacted, that they, if they deem proper, may at their own expense deposit in the said Registry Office wherein such their Debentures are hereby required to be registered, any number of their printed blank Debentures in the form of the said Schedule annexed to this Act, without its being necessary to add the Coupons thereto, bound together in a book and having the pages thereof numbered and signed by the Secretary of the Company, and thereupon the Registrar or his deputy shall be bound to receive and retain the same as one of the registry books of his office, and to register therein the said Debentures of the Company instead of registering them in the ordinary registry books of his office, receiving for the registration of each such Debenture a fee of twenty five cents and no more, any ordinance or law to the contrary notwithstanding.

42. It may and shall be lawful for the said Company to cross, intersect, join and unite their Railway with any other Railway, at any point on its route, and upon the lands of such other Railway, with the necessary conveniences for the purpose of such connection; and the owners of both Railways may unite in forming such intersection, and in granting the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators to be appointed by one of the Judges of the Supreme Court of the Province of New Brunswick.

43. It shall be lawful for the said Company to enter into any agreement with any other Railway Company in this Province for leasing the said Railway, or any part thereof, or the use thereof at any time or times to such other Company, or for leasing or hiring out to such other Company any locomotives, cars, carriages, tenders, or other moveable property of the said Company, either altogether, or for any time or times, or occasions, for leasing or hiring from such other Company any railroad, or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any locomotives, cars, carriages, tenders, or other moveable property, or for using either the whole or any part of such other railroad, or of the moveable property of such other railroad, in common by the two Companies, or generally to make any agreement or agreements with any such other Company, touching the use by one or the other, or by both Companies of the railroad, or moveable property of either, or of both or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province, according to the terms and tenor thereof.

44. A toll is hereby granted for the sole benefit of the said Company on all passengers and property of all descriptions which may be conveyed or transported upon such Railway, at such rates per mile as may be established from time to time by the Directors of said Company, and the conveyance and transportation of persons and property, the construction of cars and carriages, the weight of loads, and all other matters and things in relation to the use of the said Railway, shall be in conformity to such bye laws, rules, regulations,