



BY AUTHORITY.

ANNO TRICESIMO SEPTIMO VICTORIÆ REGINÆ.

CAP. LXXIV.

An Act to incorporate the Petitcodiac and Elgin Branch Railway Company.

Sec.	Sec.
1 Company incorporated.	8 Fences to be kept up.
2 Guardians of certain persons may agree for and settle claims for damages.	9 Annual meeting when held.
3 Capital stock.	10 Company may transfer railway.
4 First meeting by whom called.	11 What lands shall be exempt from taxation.
5 Company to make bye laws, &c.	12 Surveys and construction of line, when to be commenced.
6 Powers, &c. of President, &c.	Schedules.
7 Tolls to be established.	

Passed 8th April, 1874.

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

1. Amasa E. Killam, Hugh Davidson, L. O. Merriam, Frederick W. Steeves, LeBarron Goddard, Jacob Beek, William P. Robinson, James Aiton, William A. Colpits, William Howard, Frederick Babcock, George Killam, Alexander Kay, R. P. Cook, Martin B. Palmer, David M. Steeves, R. D. Robinson, Robert Wright, John Cleveland, Thomas R. Jones, Daniel L. Hanington, Robert Young, and John Lewis, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of "The Petitcodiac and Elgin Branch 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 sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof in exercising and performing the same; and the said Corporation are hereby authorized and empowered to explore, survey, locate, construct, and finally complete, alter and keep in repair, with one or more sets of rails or tracks, with all suitable bridges, tunnels, turnouts, viaducts, culverts, draws, sidings, and such branches for the efficient working thereof, or as feeders thereto, as may be required, or as they may think proper, and all the necessary appendages, a Railroad from some point on the European and North American Railway at or near Petitcodiac Station in the Parish of Salisbury, in the County of Westmorland, to a point at or near Elgin Corner, Parish of Elgin, in Albert County, with power to extend the same to a port on the Bay of Fundy, in the Parish of Alma in said County, or any intermediate point, and being within the said Province of New Brunswick, whenever the said Company may deem it expedient to do so; and the said Corporation 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 as herein set forth; and for this purpose the said Company shall have the right to enter, 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 the said railroad, and branches thereof and appurtenances, any earth, gravel,

stone, timber or other materials, on or from the land so taken, provided however, said lands so taken shall not exceed six rods in width except where greater width is necessary for the purposes of the railway; and when the said railway shall pass through any woodlands or forests, the said Company shall have the right to fell, remove and use any trees standing thereon within the distance of six rods from either side of the railway, which by their liability to be blown down, or which from natural falling, might obstruct or impair said railway, or which the said Railway Company may require for the construction of the said railroad; and provided also, that in all cases said Corporation shall pay for such lands, estate or materials so taken and used, (in case the owner thereof demand it), such price as they and the owner or respective owners thereof may mutually agree upon; and in case the said parties shall not agree, then it shall be lawful for the said Company to apply to two of Her Majesty's Justices of the Peace in the County wherein the said land may be situate, for a warrant, which warrant shall be in the form set forth in the Schedule A to this Act annexed, and shall be directed to the High Sheriff of such County, commanding such High Sheriff to summon a Jury of five disinterested persons, being freeholders or occupiers of land in the said County, who shall be sworn to examine the site of the said railway, or the land or material so taken; and in case the said railway shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then and in all such cases the damages shall be ascertained and assessed by such Jury; provided nevertheless, that such Jury in assessing the said damages, are authorized and empowered, and shall take into consideration the enhancement in value of the land by the passage of the railway, in regard to the increased facilities of access to the different stations and termini of the said railway, in diminution of the damages to be paid to the owner or owners or occupiers of any land over which the said railway may be laid out; the Justices who issued the warrant shall lay the said assessment before the next annual meeting of the said Company under the authority of this Act, who are hereby required to pay the amount set forth in the said assessment into the hands of the person for whom such damages may be assessed, within thirty days next after such annual meeting of the said Company, together with the costs and charges of assessing such damages, which shall be agreeable to a Schedule B to this Act; and in default of such payment it shall and may be lawful for the said Justices or either of them, (in case of the absence or death of the other) at the instance of the said party or parties to whom such damages are payable, by warrant under the hands and seals of such Justices or one of them, (in case aforesaid) to levy the same with costs by distress and sale of goods and chattels of the said Company; provided also, that nothing in this Act contained shall be construed to affect the rights of the Crown in any ungranted lands within this Province, or to authorize the said Company to enter upon or take possession of any such land without the previous permission of the Executive Government of this Province; and all applications for damages shall be made within twelve months from the time of taking such lands or other property, or from the notifying the owners or occupiers of the intention of the said Company to take such lands, and not afterwards.

2. When the said Corporation shall take any land or other estate as aforesaid of any infant, person *non compos mentis*,