

stockholder shall be held accountable to the Corporation for the balance, if his share or shares shall sell for less than the assessment due thereon, with interest and cost of sale, and shall be entitled to the overplus if his share or shares shall sell for more than his assessment due, with interest and cost of sale; provided that no shareholder in said Company shall be in any manner whatever liable for any debt or demand due by said Company beyond the amount of his, her or their shares in the capital stock of said Company not paid up; and no assessment shall be laid upon any shares in said Company for a greater amount than fifty dollars per share on the whole.

6. A toll is hereby granted and established for the sole benefit of said Corporation, upon all passengers and property of all descriptions which may be conveyed or transferred by them upon said road, at such rate as may be agreed upon and established from time to time by the Directors of said Corporation.

7. The said Railroad Corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved land or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fences, said Corporation shall be liable to an action on the case for breach of duty at the suit of any person whose improved land may be left unfenced, and in such action the damages shall be for such amount as will be sufficient to provide for such fencing of the said owners' land as ought to have been made and erected by the said Company under this Act, and any special damage the owner may have sustained by reason of such breach of duty, and the said plaintiff shall also in such action recover his costs of suit; provided however, that such fences may be dispensed with at the receiving and landing places of passengers and freight, and at such other places as fences are not elsewhere usually required.

8. The annual meeting of the said Corporation shall be holden on the fourth Tuesday in June, or such other day as shall be determined by the bye laws, at such time and place as the Directors for the time being shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor by himself or by proxy being entitled to as many votes as he holds shares; and the Directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the Corporation by their bye laws shall direct.

9. The said shares of the Corporation shall be deemed personal estate and transferrable as such, and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company after the making, completing and maintaining the said railway, and other in-

cidental expenses; but no shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or her.

10. The Directors of the Company may from time to time subject and charge in such manner as they think fit, the said railroad, and the future lands, goods and other property and effects, tolls, incomes and profits whatsoever of the said Company, or such parts thereof as the Directors may think fit, and may also in like manner grant and assure the whole or any part of any guarantee of interest, grant of money or lands, or other benefit, profit or advantage already or to be hereafter granted, conceded or allowed to Railroad Companies in this Province by any Act of Assembly; and every Deed executed by the Directors of the Company shall be under the common seal of the Company, which the Directors are hereby authorized to affix to every such deed, and under the respective hands and seals of any three or more of the Directors of the said Company; and every deed so executed shall have as full effect, and be as binding and conclusive on the Company, and the Directors of the Company, as if the terms and provisions of such deed were by this Act of Assembly expressly enacted and made binding and conclusive.

11. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

12. The said Company, by their agents, servants, and workmen, shall and may enter upon any lands of private persons, for the purpose of making a survey of the line or route of the contemplated railroad, and to cut down or remove, when necessary to the making of such survey, any trees or obstacles on such lands, compensation for such cutting and removing to be made to such owners of private lands by the same proceedings and in the same manner as is provided in the first Section of this Act.

13. Nothing in this Act contained shall authorize the said Company or their contractors to enter upon any lands reserved for naval or military purposes without the consent of Her Majesty.

14. The said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall *bona fide* commence to build said railway within two years from the passing of this Act, failing wherein, then this Act, and every matter and thing therein contained, shall cease and determine, and be utterly null and void; and if the said railway, having been commenced, shall not be made and completed within the period of five years from the passing of this Act, so as to be used for the conveyance and carriage of passengers, goods and chattels thereon, then this Act, and every matter and thing therein contained, shall cease and be utterly null and void.

NOTICE is hereby given, that by virtue of a Power of Sale contained in an Indenture of Mortgage, dated the ninth day of September, A. D. 1864, and made between Thomas Dowling of the City of Fredericton, in the County of York, Esquire, and Catherine his wife, of the first part, and the undersigned the Honorable John S. Saunders of the same place, of the second part, (which Mortgage is recorded in Book R, No. 2, York County Records, pages 436, 437, and 438), there will, for the purpose of satisfying the moneys secured by the said Mortgage, default having been made in the payment thereof, be sold at Public Auction, in front of the new County Court House, Fredericton, on Saturday the sixth day of June next, at twelve o'clock, noon, the Mortgaged Lands and Premises in the said Indenture of Mortgage described as follows, viz:—All that lot

of Land fronting on the north east side of Charlotte Street, in the City of Fredericton, being lot No. 8, in a subdivision of Block No. 21, in the Town plat of Fredericton, and being the same lot conveyed by the said John S. Saunders, and Elizabeth Sophia his wife, to the said Thomas Dowling, by Deed dated eighth September, A. D. 1864; together with all and singular the buildings and improvements, profits, privileges, hereditaments and appurtenances to the same belonging or appertaining.—Dated this 24th day of February, A. D. 1874.

JOHN S. SAUNDERS.

The above sale is hereby postponed until Saturday the 18th day of July next, then to take place at the time and place above mentioned.

June 1st, 1874.

JOHN S. SAUNDERS, Mortgagee.