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No. 24.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate "The Fredericton
and Saint Marys Bridge Company."

(PRIVATE BILL.)

MR. PICKARD.

OTTAWA :

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

A Bill to incorporate the Fredericton and Saint Mary's Bridge Company.

WHEREAS, it has been represented, that in view of the in-crease in the construction of the Railways in the Province of New Brunswick, it is desirable that a Company should be incorporated with full powers to construct a Bridge across the River Saint John, between the City of Fredericton, in the County of York, in the Province of New Brunswick, and the Parish of Saint Marys, in the said County and Province, which shall form accommodation, not only as a Railway Bridge, but as a Road Bridge, for local purposes; and whereas, certain persons residing in the vicinity of Fredericton have petitioned to be incorporated for that purpose, and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. John Pickard, M.P., Alexander Gibson, Thomas Temple, Archibald F. Randolph, Alexander Thompson, Henry G. C. Ketchum, C. E., Julius L. Inches, John J. Fraser, Stephen Glasier, Thomas Ramsay, R. C. Wilmot, Charles Burpee, together with such persons, municipalities and corporations as shall, from time to time, become proprietors of shares in the Company hereby established, their successors and assigns are hereby constituted and declared to be a body politic and corporate by the name of "The Fredericton and Saint Marys Bridge Company."

2. The said Company shall have full power, under this Act to construct, maintain, work, and manage a Bridge across the River St. John from the City of Fredericton, to the said Parish of Saint Marys, for Railway purposes, and also for a Road Bridge for horses, cattle, carriages, teams and passengers.

3. The Capital Stock of the said Corporation shall be Three Hundred Thousand Dollars, and shall be divided into three thousand shares of One Hundred Dollars each, to be paid at such times, and in such instalments, as the directors of the Company may require and direct; and the said Corporation may, if they think it necessary, extend the capital stock to the sum of Four Hundred Thousand Dollars, and may increase the number of shares accordingly.

4. The first meeting of the said Corporation shall be held in the City of Fredericton aforesaid, and shall be called by any three of the Corporators whose names are set forth in the first section of this Act, by giving notice in any one of the newspapers published in Fredericton, at least fifteen days previous to such meeting for the purpose of organizing the Company.

5. At such meeting every person who may be a subscriber to the stock list of the said Company, shall be entitled to vote, and any person holding one share, and not more than four shares, shall

Proxies. be entitled to one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have, and all stockholders resident within the Dominion or elsewhere, may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act; provided that no stockholder shall be entitled to hold more than two proxies. 5 10

Who shall be deemed Stockholders. 6. The stock list mentioned in the preceding section shall be the list of persons, municipalities or corporations who may have signified in writing their consent to take stock in the said Company, by any writing subscribed by such persons or subscribed by the President, Warden, Secretary, Treasurer, or Secretary of any such Company, municipality or corporation, specifying in such consent the amount of stock agreed to be subscribed for, such consent to be handed in on or before the day of such meeting, to either of the Corporators, Thomas Temple or Julius L. Inches. 15

Limited liability. 7. The joint stock and property of the Corporation shall alone be responsible for the debts and engagements of the said Company. 20

Power to build the bridge and its approaches. 8. The said Company shall have full power to erect, make and sink all such piers, abutments, blocks and erections in the said River Saint John, as may be deemed necessary, not only for the construction of the said Bridge, but such as may be required or thought desirable efficiently to protect it from effects of ice and ice freshets, or for any other purpose in connection with the said Bridge that the said Company may see fit; and may build or cause the said Bridge to be built between the said City of Fredericton and the said Parish of Saint Marys at any point between the said places which may be deemed most advisable and fit for such Bridge; and may build the necessary approaches thereto into and upon the lands and grounds lying on each side of the said river; and may cut, level or raise the banks of the said river in such manner as may be deemed necessary or proper for building the Bridge; and may cut, remove, take and carry away all and every impediment whatsoever which may in any wise tend to hinder the erecting and completing the said Bridge, and may execute all other things necessary, requisite, useful or convenient for erecting, building or maintaining and supporting the said Bridge; and may from time to time, enter and go in and upon the lands and grounds adjacent to the said river on either side thereof for the purpose of making surveys, examination or other necessary arrangements for fixing the site of the said Bridge; and may explore, lay out and make a road not more than six rods in width (for railway and roadway,) leading from either end of the said Bridge to the main post-road or to any street or road on either side of the said river; and for the purpose of erecting, building, maintaining, repairing and supporting the said Bridge, the said Company shall, from time to time, have full power and authority to take all such land as may be necessary for approaches, and for roads to and from the said bridge to any highway; and shall also have full power to land on either side of the said river within two hundred yards of the said Bridge all materials and other things to be used in and about the same, and there to work and use such materials and other things according as they, the said Company and the persons 25 30 35 40 45 50 55

Power to enter upon and use land for that purpose.

to be by them appointed, shall think proper, without any previous agreement with the owner or owners, tenant or tenants, of the property on which such Bridge and every part thereof and such approaches and roads shall be built, or in or upon which such surveys, examinations or other arrangements may be made, or on which such materials or other things shall be landed, worked or used, doing as little damage as may be, and making such compensation as hereinafter is mentioned, to the respective owners and occupiers of all lands, grounds, tenements and hereditaments which shall be so taken, used, occupied, altered, damaged, spoiled or made use of.

9. The said Corporation shall make, allow, and pay reasonable and proper compensation for all lands, tenements, and hereditaments which may be taken, used, occupied, altered, damaged, spoiled or made use of for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements and hereditaments; and in case of disagreement between the said Corporation and the said owners and occupiers, or any of them, then such compensation shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator, and in case of their not agreeing within ten days after their appointment, then and in such case it shall be lawful for the Lieutenant Governor of New Brunswick, in Council, upon application of the said Corporation, to appoint the third arbitrator; and the award of the said arbitrators or any two of them shall be final and conclusive as to the matters referred; and the amount of compensation awarded, as well as all the expenses attending the said arbitration, shall be paid by the Corporation within sixty days after award made.

Compensation to be afterwards made.

Arbitration in case of disagreement.

10. When the said Bridge is completed, all trains of all railways or railroads which may terminate at Fredericton aforesaid, or at the Parish of Saint Marys aforesaid, and now constructed or hereafter to be constructed, shall have the right to pass over that part or portion of the said Bridge built for the carriage of railway trains, including the cars of any other Railway Companies which may be brought over such railways, at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway or railroad whose trains or business may pass over the railway portion of the said Bridge.

All railways to have an equal right to use the Bridge.

11. The said Company are hereby authorized to work trains by steam for passengers and traffic between Fredericton and Saint Marys, over the railway portion of the said Bridge, and to connect the said trains with other railways already constructed or to be hereafter constructed; and if necessary to construct such branch line or lines of railroad as may be necessary to effect the junction of such Bridge with any railway constructed or hereafter to be constructed, either in the said city of Fredericton or Parish of Saint Marys.

Power to work trains, or to build branch railways to the Bridge.

12. The annual meeting of the shareholders of the said Company for the Election of Directors and other general purposes, shall be held at the City of Fredericton on the Thursday after the first Tuesday in May in each and every year.

Annual General meeting.

- President.** **13.** The Directors, who shall be seven in number, shall elect one of their body to be President of the Company.
- Qualification of Directors.** **14.** No person shall be qualified to be a Director unless he shall be holder and owner of at least ten shares of the stock of the said Company.
- Calls limited.** **15.** No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital.
- Power to make agreements with Railway Companies.** **16.** The Directors of the said Company shall have power and authority to enter into and conclude arrangements with any Railway Company for the purpose of making any branch or 10 branches to facilitate a connection between the said Bridge Company and such Railway Company.
- Power to amalgamate with other Companies.** **17.** The said Company are also hereby authorized and empowered to contract and agree with any Railway Company for the purchase, transfer or amalgamation of their rights and 15 privileges under this Act; and may sell, assign, transfer or lease the same, or any part thereof, or any rights or powers acquired under this Act to any other incorporated Company, person or persons, upon such terms and conditions and with such restrictions as the Directors may deem expedient, subject to the approval of 20 the shareholders at a special general meeting to be called for that purpose.
- Tolls for use of railway part of the Bridge.** **18.** A toll is hereby granted and established for the use and benefit of the said Company, upon all passengers and property of all descriptions which may be conveyed or transported by the 25 Company over that portion of the said Bridge erected for and to be used for railway purposes, at such rates as may be agreed upon and established from time to time by the Directors of the said Company: the transportation of persons and property, the construction of tickets, the form of cars and carriages, the weight of 30 loads, and all other matters and things in relation to the said railway portion of the said Bridge, shall be in conformity with such rules, regulations and provisions as the Directors shall, from time to time prescribe, limit, direct and appoint.
- Tolls on the ordinary road part of the Bridge.** **19.** That part of the said bridge which shall be erected for and 35 to be used as a road bridge, for the passage to and fro of horses, cattle, carriages, teams and passengers, other than by rail, shall and may have therein erected and set up one or more gate or gates, with a toll house or toll houses, and other proper and necessary buildings, conveniences and fences near to each gate across 40 the said Bridge, or on the road or avenue immediately communicating therewith; and there shall be taken, exacted, and demanded for the use of the said Corporation by such person or persons as the Company may, from time to time, appoint as toll gatherer or toll gatherers; such rates and tolls for passengers, horses, cattle, 45 carriages and teams laden or unladen, as the said Corporation may from time to time, by their by-laws, fix, limit, and appoint; all such by-laws being subject, nevertheless, to the approval of the Lieutenant-Governor of New Brunswick, in Council; and the rates of toll shall be fairly and legibly printed in large letters and kept 50 constantly exposed to the view of passengers; and the said Corporation may, by any such by-law, impose a penalty, or fine, not exceeding *ten dollars* for each and every offence, upon any person who shall, by any means whatever, wilfully attempt to
- Table of Tolls.** 1
- Penalty for refusing payment.**

pass over such bridge without the payment of toll, or who shall unlawfully seek to evade the payment of any toll for the crossing of the said Bridge, such fine to be recovered by action of debt before any Justice of the Peace for the County of York, with costs of suit, and the amount, when recovered, to be applied to the use of the Corporation.

20. If any person shall wilfully or maliciously, and to the prejudice of the said undertaking, break, damage, throw down, or destroy any of the works to be erected or made by virtue of this Act, every such person shall be adjudged guilty of a misdemeanor; and every person so offending, and being thereof lawfully convicted, shall be imprisoned for any term not exceeding two years, in the common jail of the County of York, or not less than two, nor exceeding five years, in the penitentiary for the Province of New Brunswick, or fined in a sum not exceeding five hundred dollars, as the case might be, in the discretion of the Judge who may try the offender.

Punishment for wilfully damaging works.

21. The said Company shall have full power to make, ordain, and establish all necessary by-laws and regulations not inconsistent with law, for their own government and for the due and orderly conducting of their own affairs; and the management of their property.

By-laws.

22. If any shareholder shall fail to pay the amount of any call made by the said Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable, with costs of suit.

Recovery of calls on shares.

23. In any suit or action to be brought by the said Company against any shareholder, to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the Company (stating the number of shares), and is indebted to the said Company in the sum of money to which the call or calls in arrear shall amount, in respect of one call or more, upon one share or more (stating the number of such calls), by means of which an action hath accrued to the said Company by virtue of this Act.

Proceedings in suits for calls.

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

Proof in such cases.

25. The said Company shall be subject to all such regulations, provisions, and conditions in reference to the transmission of mails and troops over the said bridge, as are or may be established by any law passed or to be passed, respecting the like transmission over any other railway or railways.

Passage of mails, &c.

Time for
completing
the works.

26. The said Company shall *bona-fide* commence the construction of the works contemplated by this Act within two years from the passing of this Act, and fully complete and finish the same within five years from the passing of this Act, otherwise this Act, and all the powers and privileges herein granted shall cease, determine, and become void to all intents and purposes whatsoever.