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From George Robinson Hill, - 1.  
M L Co. 5

## FURTHER CORRESPONDENCE

1851.

RELATIVE TO THE

# PROJECTED RAILWAY

FROM

## HALIFAX TO QUEBEC.

(In continuation of Papers presented by Command of Her Majesty,  
8th April 1851.)

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Presented to both Houses of Parliament by Command of Her Majesty.

June 16, 1851.

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LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET  
FOR HER MAJESTY'S STATIONERY OFFICE.

1851.

Sept 20/51

# SCHEDULE.

## CANADA.

### DESPATCH FROM THE RIGHT HON. THE EARL OF ELGIN.

Number in Series.	Date and Number.	SUBJECT.	Page.
1	May 8, 1851 (64)	Transmitting Copy of a Communication addressed to the Lieut.-Governors of Nova Scotia and New Brunswick, on the subject of a CONFERENCE ON THE PROPOSALS OF HER MAJESTY'S GOVERNMENT RELATIVE TO THE HALIFAX AND QUEBEC RAILWAY . . . . .	3

## NEW BRUNSWICK.

### DESPATCHES FROM LIEUT.-GOVERNOR SIR E. HEAD.

1	April 6, 1851 (15)	Enclosing a Copy of RESOLUTIONS OF THE HOUSE OF ASSEMBLY, rejecting the offer made by Her Majesty's Government for aiding the Construction of the HALIFAX AND QUEBEC RAILWAY passing through the Province of New Brunswick . . . . .	6
2	April 7, 1851 (18)	Transmitting a JOINT ADDRESS TO HER MAJESTY by the two Branches of the COLONIAL LEGISLATURE to a similar purport . . . . .	7
3	April 7, 1851 (16)	Forwarding the following ACTS OF THE PROVINCIAL LEGISLATURE RELATIVE TO RAILWAYS:—  " An Act to facilitate the Construction of the European and North American Railway" . . . . .  " An Act to facilitate the Construction of a Railway from St. Andrews to Quebec" . . . . .  " An Act to incorporate the European and North American Railway Company" . . . . .	9  11  12
4	May 23, 1851 (32)	RESOLUTIONS PASSED AT PUBLIC MEETING AT RESTIGOUCHE, with reference to the Halifax and Quebec Railway . . . . .	24
5	April 30, 1851	" An Act further to facilitate the Construction of the European and North American Railway" . . . . .	26

### DESPATCHES FROM THE RIGHT HON. EARL GREY.

1	May 22, 1851 (259)	In Acknowledgment of Sir H. Head's Despatches of 6th and 7th April, conveying the RESOLUTIONS AND ADDRESSES OF THE LEGISLATURE on the Subject of the proposed RAILWAY . . . . .	26
2	June 12, 1851 (269)	ACTS OF PROVINCIAL LEGISLATURE RELATIVE TO RAILWAYS, enclosed in Lieut.-Governor's Despatch, No. 16, 7th April, 1851, conveying decision on these Enactments, and forwarding Report from the Commissioners of Railways on the subject . . . . .	28

**FURTHER CORRESPONDENCE**

RELATIVE TO THE

**PROJECTED RAILWAY FROM HALIFAX TO QUEBEC.**

**CANADA.**

CANADA

(No. 64.)

No. 1.

COPY of a DESPATCH from the Right Hon. the Earl of ELGIN AND KINCARDINE to Earl GREY.

No. 1.

Government House, Toronto,  
May 8, 1851.

(Received May 26, 1851.)

MY LORD,

WITH reference to your Lordship's Despatch No. 569\*, of the 14th March, I have the honour to enclose the copy of a communication which I have addressed to the Lieutenant-Governors of Nova Scotia and New Brunswick, and of a Minute of Council accompanying the same.

I have, &c.,

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,  
&c. &c. &c.

Enclosure 1 in No. 1.

Encl. 1 in No. 1.

COPY of DESPATCH from the Right Hon. the Earl of ELGIN AND KINCARDINE to { Sir JOHN HARVEY.  
Sir E. HEAD.

SIR,

Government House, Toronto, May 1, 1851.

I HAVE the honour to enclose herewith the copy of a Minute of the Executive Council of this province, which has reference to a Despatch from Earl Grey to me, the number and date of which is given in the margin, on the subject of the proposed railway between Halifax and Quebec, the copy of which has, I understand, been furnished by his Lordship to your Excellency. Earl Grey has suggested that deputations from the Executive Councils of the two lower provinces should proceed to the seat of Government in Canada, in order to confer with me and my Council on the proposition which he has submitted; and if you should see fit, after communicating with { Sir E. Head, }  
{ Sir J. Harvey, } to act on this suggestion, I shall be glad to hear from you at what time I may expect the deputation from your Council to reach Toronto.

April 24, 1851.

No. 569,  
March 14, 1851.

To { Sir John Harvey.  
Sir E. Head.

I have, &c.,  
(Signed) ELGIN AND KINCARDINE.

Enclosure 2 in No. 1.

Encl. 2 in No. 1.

COPY of MINUTE of COUNCIL, dated 24th April, 1851.

ON the Despatch of Earl Grey to your Excellency, dated 14th March last, No. 569, stating that Her Majesty's Government are prepared, on certain conditions, to recommend to Parliament that imperial credit should be employed to enable the provinces of Canada, New Brunswick, and Nova Scotia to raise, upon advantageous terms, the funds necessary for the construction of the Halifax and Quebec Railway, the Committee of Council are respectfully of opinion that the suggestion of Earl Grey, that "a deputation from the Executive Councils of the two lower provinces should proceed to the seat of Government in Canada, in order to confer

\* Page 21 of Papers referring to the Halifax and Quebec Railway, presented to both Houses of Parliament by Command, April 8, 1851.

#### 4 FURTHER CORRESPONDENCE RELATIVE TO THE

CANADA.

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with your Lordship and your Council for the purpose of coming to some agreement on this subject, which, after being approved by the Legislatures of the several provinces, might be submitted for the sanction of Parliament," should be adopted. The great work, in the construction of which the Imperial Government is disposed to lend its powerful aid, has already been sanctioned to a certain extent by the Canadian Parliament. Any new proposition from the Imperial Government is entitled to the fullest and most respectful consideration; and the Committee of Council entertain no doubt that the respective Governments of Nova Scotia and New Brunswick will be prepared, on the invitation of your Excellency, to send deputations to consult with your Excellency in this city without unnecessary delay.

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**NEW BRUNSWICK.**

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**Despatches from Lieutenant-Governor Sir Edmund Head.**

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NEW  
BRUNSWICK.  
No. 1.

(No. 15.)

No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to Earl GREY.

Government House, Fredericton, New Brunswick,  
April 6, 1851.

MY LORD,

(Received May 13, 1851.)

(Answered No. 259, May 22, 1851, page 28.)

I HAD the honour of receiving your Lordship's Despatch of the 14th March, No. 248,\* with its enclosures, relating to the Halifax and Quebec Railway.

I lost no time in laying these important papers before the Legislature with a message, of which a copy is enclosed.

1st Enclosure,

March 31, 1851.

2nd Enclosure,

April 3, 1851.

The result has been the consideration of the subject by the Assembly, and the adoption of certain resolutions, of which a copy is annexed to this Despatch.

I deeply regret to say, that the House of Assembly altogether reject the offer of Her Majesty's Government, and refuse to undertake, on the proposed terms, the construction of that portion of the line which runs through this colony. At the same time, they distinctly reaffirm the offers of land and money made by the Legislatures of 1849 and 1850. Whether this offer may, at any time hereafter, be sufficient to induce capitalists to undertake such a work, it is not for me to conjecture.

I regret this decision, inasmuch as the proposition of Her Majesty's Government would have insured the outlay in this province of a very large sum raised at a rate of interest utterly unknown on this side of the Atlantic. Reckoning ten miles on each side of the road, it promised, moreover, to open for sale and settlement upwards of 2,000,000 acres of ungranted land belonging to the Government of this colony, the value of which would necessarily be greatly enhanced by the construction of such a railroad.

I do not in any way undervalue the importance of the proposed line to Portland, but its successful prosecution must, like that of the Quebec line, depend in part on the government of Nova Scotia, and the completion of that part would be secured at the cheapest rate by the Halifax and Quebec line.

For these reasons then, my own opinion (irrespective of my Executive Council) decidedly is, that the Legislature of New Brunswick would have acted wisely in accepting the general terms offered by Her Majesty's Government. I trust sincerely that the course of events may be such as not to expose us hereafter to the reproach of having impeded our own progress, and retarded the general prosperity of the whole British North America.

I shall communicate a copy of the resolutions of the House of Assembly to his Excellency the Governor General of Canada, and his Excellency the Lieut.-Governor of Nova Scotia. It is obvious that no further step can at present be taken with advantage on my part in negotiating with the governments of these two colonies.

I have, &amp;c.,

The Right Hon. Earl Grey,  
&c. &c. &c.

(Signed) EDMUND HEAD.

Encl. 1 in No. 1.

Enclosure 1 in No. 1.

NEW BRUNSWICK.

MESSAGE to the HOUSE of ASSEMBLY, March 31, 1851.

(Signed) EDMUND HEAD.

THE Lieut.-Governor lays before the House of Assembly a copy of a Despatch with its Enclosures, which he received on the 29th instant from Her Majesty's Secretary of State

His Excellency is anxious that these papers should receive the earnest and immediate consideration of the House, as he feels satisfied that no communication involving consequences more important to the province can be submitted to its Legislature.

(Signed) E. H.

\* Page 96 of Papers relative to "The Civil List and Military Expenditure in Canada, and to the projected Railway from Halifax to Quebec;" presented to both Houses of Parliament by Command, April 8, 1851.

## Enclosure 2 in No. 1.

House of Assembly, New Brunswick, April 5, 1851.

NEW  
BRUNSWICK.

Encl. 2 in No. 1.

WHEREAS the attention of this House has been called, by a message of his Excellency the Lieut.-Governor, to a Despatch from the Right Hon. Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, with several documents accompanying the same, relative to the railway formerly proposed between Halifax and Quebec, upon which it is desirable that the immediate action of this house should be taken;—therefore,

Resolved, That this House fully responds to the sentiments and opinions expressed by Earl Grey in his Despatch to Lord Elgin, dated 14th March, 1851:—"That the construction of a railway from Halifax to Quebec is calculated greatly to advance the commercial and political interests, both of the British provinces of North America and of the mother country;" and "that the time has at length arrived when this great national enterprize may be undertaken;" but they learn with regret, that in a work now admitted to be of "such great importance to the British empire." Her Majesty's Government is not prepared to contribute any portion of the funds necessary for its construction; and should, as a condition precedent to the imperial guarantee, require these colonies to pledge their whole available revenues to build the same at their own expense.

Resolved, That while this house will adhere with strict fidelity to the pledges given to Her Majesty by the joint address of the Houses of the Legislature of this province in the session of 1849, and the address of the House of Assembly in the session of 1850, guaranteeing to Her Majesty, for the purposes of the railroad from Halifax to Quebec, "all the ungranted lands through which the said road might pass, to the extent of ten miles on each side, to be disposed of in such manner as may be deemed most advisable to Her Majesty's Government, and to secure, at the expense of the province, a sufficient breadth of way, and the necessary stations, over and upon private property, for the use of the said road; and to charge upon the general revenues of the province a sum not exceeding 20,000*l.* currency per annum, towards paying the interest upon the capital invested in the said road, to be paid yearly from and after the completion of the said road, and while the same is kept in operation, and to be continued for a term not exceeding twenty years." They desire distinctly to state, that the refusal by Her Majesty's Government, as conveyed in the several Despatches of the Right Hon. Earl Grey, bearing date the 5th April, 1849, and the 19th June, 1850, to undertake that great national work under the pledges made towards the same by Canada, New Brunswick, and Nova Scotia, induced the people of this province to turn their attention to the accomplishment of undertakings, which it would be in their power to carry out, and which, from their prospect of more immediate remuneration, would hold out greater inducements to capitalists to embark therein; and that, in accordance with the almost unanimous wishes of the people of this province, as expressed by overwhelming majorities in both Houses of the Legislature, the public credit has been pledged to the sum of 300,000*l.* sterling, for the building of the European and North American Railway, and the Saint Andrews and Quebec Railway, within this province. And this House cannot adopt the plan suggested in the correspondence between the Hon. Mr. Howe and the Right Hon. Earl Grey, accompanying his Excellency's message, and is not prepared to pledge the public credit, or the future resources of the province, further than as set forth in the address before mentioned, towards building the great trunk line from Halifax to Quebec.

Resolved, That this House would view with unqualified disapprobation any scheme, whereby convicts should be introduced into this province, either for labour or otherwise.

Resolved, That in the opinion of this House, the Executive Government of this province should, without delay, make urgent application to Her Majesty's Government for the Royal assent to the Acts passed at the present session of the Legislature to facilitate the construction of the European and North American, and the Saint Andrews and Quebec Railways, respectively.

Resolved, That the Legislative Council be requested to join in an address to Her Majesty, founded upon the foregoing resolutions.

CHAS. P. WITMORE, Clerk.

(No. 18.)

No. 2.

No. 2.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to Earl GREY.

Government House, Fredericton, New Brunswick.

April 7, 1851.

(Received May 13, 1851.)

MY LORD,

(Answered No. 259, May 22, 1851, page 28.)

I have the honour to enclose a joint address of the two branches of the Legislature of this Colony, with reference to the Halifax and Quebec Railway, which I have to request your Lordship to lay at the foot of the Throne.

I have, &amp;c.

(Signed)

EDMUND HEAD.

The Right Hon. Earl Grey,

&amp;c. &amp;c. &amp;c.



NEW  
BRUNSWICK.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

TO THE QUEEN'S MOST EXCELLENT MAJESTY,

The humble Address of Your Majesty's Legislative Council and House of Assembly of the Province of New Brunswick.

MAY IT PLEASE YOUR MAJESTY—

YOUR Majesty's most faithful subjects, the Legislative Council and Assembly of New Brunswick, beg leave most humbly to approach Your Majesty with sentiments of unaltered attachment to Your Majesty's Person.

The Council and Assembly having taken into consideration the Despatch of the Right Hon. the Secretary of State for the Colonies, dated the 14th of March last, relative to the proposed railway from Halifax to Quebec or Montreal, have agreed to the accompanying Joint Resolutions, as expressing their opinions and views on this very important subject, and which they humbly pray may be graciously and favourably considered by Your Majesty.

WILLIAM BLACK, President of the Legislative Council.  
CHARLES SIMONDS, Speaker of the Assembly.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

House of Assembly, Saturday, April 5, 1851.

WHEREAS the attention of this House has been called by a message of His Excellency the Lieutenant-Governor, to a despatch from the Right Honourable Earl Grey, Her Majesty's Secretary of State for the Colonies, with several documents accompanying the same, relative to the railway formerly proposed between Halifax and Quebec, upon which it is desirable that the immediate action of this House should be taken.

Therefore resolved, that this House fully responds to the sentiments and opinions expressed by Earl Grey in his despatch to Lord Elgin, dated 14th March, 1851, "that the construction of a railway from Halifax to Quebec, is calculated greatly to advance the commercial and political interests both of the British Provinces of North America and of the Mother Country," and "that the time has at length arrived when this great national enterprise may be undertaken;" but they learn with regret, that in a work now admitted to be of "such great importance to the British Empire," Her Majesty's Government is not prepared to contribute any portion of the funds necessary for its construction, and should, as a condition precedent to the Imperial guarantee, require these Colonies to pledge their whole available revenues to build the same at their own expense.

Resolved, That while this House will adhere with strict fidelity to the pledges given to Her Majesty by the joint Address of the Houses of Legislature of this province in the Session of 1849, and the Address of the House of Assembly in the Session of 1850, guaranteeing to Her Majesty, for the purposes of the railroad from Halifax to Quebec, "all the ungranted lands through which the said road might pass, to the extent of ten miles on each side, to be disposed of in such manner as may be deemed most advisable to Her Majesty's Government, and to secure at the expense of the province a sufficient breadth of way and the necessary stations, over and upon private property for the use of the said road, and to charge upon the general revenue of the province, a sum not exceeding 20,000*l.* currency per annum, towards paying the interest upon the capital invested in the said road, to be paid yearly from and after the completion of the said road, and while the same is kept in operation, and to be continued for a term not exceeding twenty years:" they desire distinctly to state, that the refusal by Her Majesty's Government, as conveyed in the several despatches of the Right Hon. Earl Grey, bearing date the 5th of April, 1849, and the 19th of June, 1850, to undertake that great national work under the pledges made towards the same by Canada, New Brunswick, and Nova Scotia, induced the people of this province to turn their attention to the accomplishment of undertakings which it would be in their power to carry out, and which from their prospect of more immediate remuneration would hold out greater inducement to capitalists to embark therein, and that in accordance with the almost unanimous wishes of the people of this province, as expressed by overwhelming majorities in both Houses of the Legislature, the public credit has been pledged to the sum of 300,000*l.* sterling, for the building of the European and North American railway, and the St. Andrews and Quebec railway within this province; and this House cannot adopt the plan suggested in the correspondence between the Honourable Mr. Howe and the Right Honourable Earl Grey, accompanying His Excellency's Message, and is not prepared to pledge the public credit or the future resources of the province further than as set forth in the address before mentioned, towards building the great trunk line from Halifax to Quebec.

Resolved, That this House would view with unqualified disapprobation any scheme whereby convicts should be introduced into this province, either for labour or otherwise.

Resolved, That in the opinion of this House, the Executive Government of this province should, without delay, make urgent application to Her Majesty's Government for the Royal Assent to the Acts passed at the present Session of the Legislature, to facilitate the construction of the European and North American, and the Saint Andrews and Quebec railways respectively.

1851.

PROJECTED RAILWAY FROM HALIFAX TO QUEBEC. 9

Resolved, That the Legislative Council be requested to join in an Address to Her Majesty, founded upon the foregoing Resolutions.

NEW BRUNSWICK.

CHARLES P. WITMORE, Clerk.

Legislative Council Chamber, Saturday, April 5, 1851.

Resolved, That this House doth agree to join the Assembly in the proposed joint Address to Her Majesty, relative to the proposed railway from Halifax to Quebec.

W. BOTSFORD, Clerk.

(No. 16.)

No. 3.

No. 3.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to Earl GREY.

Government House, Fredericton, New Brunswick,  
April 7, 1851.

(Received May 13, 1851.)

My LORD,

(Answered, No. 269, June 12, 1851, page 28.)

I HAVE the honour to enclose certified copies of three Acts of the Provincial Legislature.

The first is an Act, entitled "An Act to incorporate the European and North American Railway Company,"\* and is passed without a suspending clause, but does not come into force until the 1st of June.

\* Page 12.

The second is entitled "An Act to facilitate the construction of the European and North American Railway,"† and has a suspending clause.‡

† Infra.

The third is entitled "An Act to facilitate the construction of a Railway from St. Andrew's to Quebec," and like the second, does not come in force until Her Most Gracious Majesty's pleasure be signified.§

§ Page 11.

I have very little to remark on these Acts, except that the undertakings to which they relate are of great importance, and the Legislature of this Province are desirous that they should be laid before Her Majesty as soon as may be.

I have, &c.,

The Right Hon. Earl Grey,  
&c. &c. &c.

(Signed) EDMUND HEAD.

Enclosure 1 in No. 3.

Encl. 1 in No. 3.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

(Suspending Clause.)

AN ACT to facilitate the construction of the EUROPEAN and NORTH AMERICAN RAILWAY.  
(No. 2062.) Passed March 28, 1851.

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

I. When the shareholders of the European and North American Railway Company shall pay in to their Treasurer at least the sum of Ten thousand pounds sterling, and it shall be satisfactorily proved to the Lieutenant-Governor in Council that such sum has been actually paid in and is ready to be expended in the construction within this province of the European and North American Railway, the Province Treasurer shall be authorized by the Lieutenant-Governor in Council to subscribe on behalf of the province for shares in the said Company to the like amount, and in payment therefor to deliver to the said Company special certificates of debt, to be called debentures, bearing interest at a rate not exceeding six per cent. per annum, the principal money redeemable in thirty years, and so from time to time, when it shall be satisfactorily proved to the Lieutenant-Governor in Council that the sums theretofore subscribed and paid in by the shareholders of the said Company, and the proceeds of the debentures previously delivered, have been expended in the construction of the said railway, and that a further sum of at least Ten thousand pounds sterling has been actually paid in by the shareholders, and is ready to be expended in like manner, the Province Treasurer shall be again authorized to subscribe on behalf of the province for shares in the said Company to an equal amount with the sum so paid in and ready to be expended, and also to pay in full for such shares by a further delivery of debentures: Provided always that the amount of shares in the said Company subscribed and paid for by the Province Treasurer in any one year shall

When the shareholders pay to their treasurer ten thousand pounds sterling, stock to a like amount to be taken by the Province, and debentures delivered to the Company for the amount.

On further payments of ten thousand pound by the shareholders, the like additional amounts of stock to be taken. Limit.

‡ A further Act will be found printed at page 26.

**NEW BRUNSWICK.**

Form, numbers and amounts of debentures.

Interest to be paid half yearly in London, New York, or Saint John.

Debentures to be redeemed in thirty years.

Certificates of shares to be held as public property, but no control to be exercised or interest received.

Two Directors may be appointed by the Legislative Council and Assembly.

Application of dividends, and disposal of shares.

Faith, credit, and revenues of the province pledged for the interest and principal of debentures.

Act may be altered. Suspending clause.

not exceed One hundred thousand pounds sterling, and in the whole shall not exceed Two hundred and fifty thousand pounds sterling.

II. The debentures shall be in the form in the Schedule annexed, they shall be signed and sealed by the Lieutenant-Governor, and countersigned by the Provincial Treasurer, they shall be numbered consecutively, beginning with No. 1, and shall be issued for such sums from One hundred pounds to One thousand pounds sterling, as may be deemed expedient; the interest thereon shall be paid half-yearly, either in London, New York, or Saint John, at the option of the holders, who shall give to the Provincial Treasurer six months' notice in writing, at which of the places named he wishes to receive interest on the debentures he holds: Provided always, that whenever such interest is paid at New York, it shall be paid at the rate of Four dollars and eighty cents for the pound sterling, and when at St. John, at the rate of Twenty-four shillings currency for the pound sterling.

III. The principal money of such debentures shall be paid in full at the end of thirty years to the then holders thereof at the same places, and on the like terms as the interest is made payable.

IV. The Certificates of shares in the European and North American Railway Company, to be from time to time delivered by the said Company to the Provincial Treasurer, shall be held by him for and on behalf of the province as public property, and while such shares are so held, no vote thereon shall be given at any meeting of the Company, nor shall there be any interference with, or control over, the management or business of the said Company, on account thereof, by the Provincial Government: Provided that the Legislative Council and Assembly may annually, by joint resolution, appoint two Directors in addition to the Directors to be annually elected by the stockholders, who shall have the same power and authority as any other Director chosen under the Act of Incorporation; and no interest shall be paid to or claimed by the province on such shares, in consideration of their having been paid for in full at the time of subscription.

V. The dividends arising from shares in the said Company held by the Provincial Treasurer, shall be applied towards the payment of interest on the said debentures, and at the expiration of thirty years, when such debentures become payable, the said shares not before disposed of shall be sold and disposed of, and the proceeds applied towards the payment of the same; and the faith and credit of this province, and the ordinary revenues thereof, and the amount or proceeds of any special impost which may hereafter be levied and collected for the purpose of paying off such railway debentures, and the interest thereon, shall be and are hereby declared pledged to any and every holder of the same for payment of interest as it becomes due, and for payment of the principal money at the expiration of the time limited for payment of the said debentures, as they severally fall due: Provided that there shall be no sale by the province of any shares so held below the par value until after the expiration of ten years from the time of the first subscription for stock by the Province Treasurer.

VI. This Act may be altered or amended during the present session of the Legislature.

VII. This Act shall not come into operation or be in force until Her Majesty's Royal approbation thereof be first had and declared.

**SCHEDULE.**

**BRITISH NORTH AMERICA.**

**Six per Cent Stock of the Province of New Brunswick.**

(L.S.)  
Form of Debentures,

No. . Certificate for £ Sterling.

THIS is to certify that there is due from the Province of New Brunswick to the holders of this certificate, \_\_\_\_\_ hundred pounds sterling, to be paid in London on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_, or in the cities of New York, or St. John, New Brunswick, at the option of the holder, on six months' previous notice being given by him to the Treasurer of the said province.

This certificate bears interest at the rate of six per cent per annum, payable on presentment thereof half yearly in London, on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year, or on the same days in the cities of New York, or St. John, New Brunswick, at the option of the holder, on six months' previous notice being given by him to the Province Treasurer, of his desire to be paid interest at either of those places.

In testimony whereof, the Lieutenant-Governor of the Province of New Brunswick, on behalf of the said province, and by virtue of the authority vested in him by an Act of the General Assembly of the same, intituled, "An Act to facilitate the construction of the European and North American Railway," which Act has been approved and allowed by Her Majesty, has hereunto set his hand, and affixed his seal of office, at Fredericton, in the Province of New Brunswick, this 7th day of April, A.D. 1851.

(Signed) EDMUND HEAD, Lieutenant-Governor.

Countersigned by the Provincial Treasurer.  
J. R. PARTELOW, Provincial Secretary.

Enclosure 2 in No. 3.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

(Suspending Clause.)

NEW  
BRUNSWICK.  
Encl. 2 in No. 3.

AN ACT to facilitate the construction of a Railway from ST. ANDREWS to QUEBEC.  
(No. 2063.) Passed March 28, 1851.

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

- I. When the shareholders of the St. Andrews and Quebec Railroad Company shall pay in to their Treasurer at least the sum of Two thousand pounds sterling, and it shall be satisfactorily proved to the Lieut.-Governor in Council that such sum has been actually paid in, and is ready to be expended in the construction within this province of a railway from St. Andrews to Woodstock, the Provincial Treasurer shall be authorized by the Lieut.-Governor in Council to subscribe on behalf of the province for shares in the said Company to the like amount, and in payment therefor to deliver to the said Company special certificates of debt, to be called debentures, bearing interest at a rate not exceeding six per cent. per annum, the principal money redeemable in thirty years, and so from time to time when it shall be satisfactorily proved to the Lieut.-Governor in Council, that the sums theretofore subscribed and paid in by the shareholders of the said Company, and the proceeds of the debentures previously delivered have been expended in the construction of the said railway, and that a further sum of Two thousand pounds sterling has been actually paid in by the shareholders and is ready to be expended in like manner, the Provincial Treasury shall again be authorized to subscribe on behalf of the province for shares in the said Company to an equal amount with the sum so paid in and ready to be expended, and also to pay in full for such shares by a further delivery of debentures: Provided always, that the amount of shares in the said Company subscribed and paid for by the Provincial Treasurer in any one year shall not exceed the sum of Twenty thousand pounds sterling, and in the whole shall not exceed the sum of Fifty thousand pounds sterling: Provided always, that the shares to be delivered to the Provincial Treasurer on account of the province shall be of the same class and description as those paid up by the shareholders of the Company for the purposes of this Act.
- II. The debentures shall be in the form in the Schedule annexed; they shall be signed and sealed by the Lieut.-Governor, and countersigned by the Provincial Treasurer; they shall be numbered consecutively, beginning with Number One, and shall be issued for such sums from one hundred to one thousand pounds sterling, as may be deemed expedient; the interest thereon shall be paid half-yearly either in London, New York, or St. Andrews, at the option of the holder, who shall give to the Provincial Treasurer six months' notice in writing at which of the places named he wishes to receive interest on the debentures he holds: Provided always, that whenever such interest is paid in New York it shall be at the rate of four dollars and eighty cents for the pound sterling, and when at St. Andrews at twenty-four shillings currency for the pound sterling.
- III. The principal money of such debentures shall be paid in full at the end of thirty years to the then holders thereof, at the same places and on the same terms as the interest is made payable.
- IV. The certificates of shares in the St. Andrews and Quebec Railroad Company to be from time to time delivered by the Company to the Provincial Treasurer, shall be held by him for and on behalf of the province as public property, and while such shares are so held no vote thereon shall be given at any meeting of the Company, nor shall there be any interference with or control over the management or business of the said Company on account thereof by the Government, and no interest shall be paid to or claimed by the province on such shares in consideration of their having been paid for in full at the time of subscription: Provided, that the Legislative Council and Assembly may annually, by joint resolution, appoint two Directors, who shall have the same powers and authority as any other Directors chosen under the Act of Incorporation.
- V. The dividends arising from the shares in the said Company held by the Provincial Treasurer shall be applied toward the payment of interest on the said debentures, and at the expiration of thirty years when such debentures become payable the said shares shall be sold and disposed of, and the proceeds be applied toward the payment of the same, and the faith and credit of this province, and the ordinary revenues thereof, and the amounts or proceeds of any special impost which may hereafter be levied and collected for the paying off such railway debentures, and the interest thereon, shall be and hereby are declared pledged to any and every holder of the same for payment of interest as it becomes due, and for payment of the principal money at the expiration of the time limited for payment of the said debentures as they severally fall due.
- VI. This Act may be altered and amended during the present Session.
- VII. This Act shall not come into operation or be in force until Her Majesty's Royal approbation thereof be first had and declared.

When the shareholders pay to their treasurer two thousand pounds sterling, stock to a like amount to be taken by the Province, and debentures delivered to the Company for the amount.

On further payments of two thousand pounds by the shareholders the like additional amounts of stock to be taken.

Limit.

Form, numbers, and amounts of debentures.

Interest to be paid half-yearly in London, New York, or Saint Andrews.

Debentures to be redeemed in thirty years.

Certificates of shares to be held as public property, but no control to be exercised or interest received.

Application of dividends and disposal of shares.

Faith, credit, and revenues of the Province pledged for the interest and principal of debentures.

Act may be altered Suspending clause.

12 FURTHER CORRESPONDENCE RELATIVE TO THE

NEW  
BRUNSWICK.

SCHEDULE.

BRITISH NORTH AMERICA.

Six per cent. Stock of the Province of New Brunswick.

(L.S.)  
Form of debenture.

No. Certificate for £ sterling.

This is to certify that there is due from the province of New Brunswick to the holder of this certificate hundred pounds sterling, to be paid in London on the day of A.D., 188 , or in New York, or St. Andrews, N. B., at the option of the holder on six months previous notice being given by him to the Treasurer of the said province.

This certificate bears interest at the rate of six per cent. per annum, payable on presentment thereof half-yearly in London on the day of , and the day of in each year, or on the same days in New York or St. Andrews, at the option of the holder, on six months previous notice being given by him to the Provincial Treasurer of his desire to be paid interest at either of those places.

In testimony whereof, the Lieut.-Governor of the province of New Brunswick on behalf of the said province, and by virtue of the authority vested in him by an Act of the General Assembly of the same, intituled "An Act to facilitate the construction of a railway from St. Andrews to Quebec," which Act has been approved and allowed by Her Majesty, has hereunto set his hand and affixed his seal of office at Fredericton in the province of New Brunswick this 7th day of April, A.D., 1851.

(Signed) EDMUND HEAD, Lieut.-Governor.

Countersigned by the Provincial Treasurer,  
J. R. PARTELOW, Provincial Secretary.

Encl. 3 in No. 3.

Enclosure 3 in No. 3.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. I.

An ACT to incorporate the EUROPEAN and NORTH AMERICAN RAILWAY COMPANY.  
(No. 2061.) Passed 15th March, 1851.

Preamble.

"WHEREAS it is contemplated, under concurrent Charters, to construct a continuous line of Railway from Bangor, in the State of Maine, through the Provinces of New Brunswick and Nova Scotia, to Halifax, or some other Port on the Eastern Coast of Nova Scotia, under the name of "The European and North American Railway Company," thereby affording an uninterrupted route of land communication to all parts of North America, from some Atlantic Port in the most direct line of Emigration, Traffic, and Travel, between the old and the new world: And Whereas in furtherance of this great object, the Legislature of the State of Maine has passed an Act to authorize the construction of such Railway through their own territory, by a Corporation under the aforesaid name: And Whereas it is advisable for the more efficient and economical construction and working of the said Railway, that provision should be made in the concurrent Charters of the said Provinces and State, to enable the respective Corporations or Companies, by deed, contract or agreement, if they deem it expedient, to establish a uniform system of management and direction over the whole proposed line: And Whereas it is the duty of this Province to grant every facility and encouragement to such enterprising persons as may be desirous and willing to make and maintain such a Railway throughout this Province, by granting to them an Act of Incorporation, with the privilege of establishing Branch Lines and Steam Vessels in connexion with the said Railway, both on the Gulf of Saint Lawrence and the Bay of Fundy, as the Company may deem desirable."

Company incorporated by the name of "The European and North American Railway Company."

I. Be it therefore enacted by the Lieutenant-Governor, Legislative Council and Assembly, That the Honourable Ward Chipman, the Honourable Charles Simonds, Speaker of the House of Assembly, the Honourable E. B. Chandler, Rear-Admiral the Honourable William Fitzwilliam Owen, the Honourable J. R. Partelow, Provincial Secretary, the Honourable Amos E. Botsford, the Honourable John Robertson, the Honourable R. L. Hazen, the Honourable Alexander Rankin, M.P.P., J. Montgomery, M.P.P., William Crane, M.P.P., the Honourable John A. Street, Attorney-General, M.P.P., William J. Ritchie, M.P.P., John Hamilton Gray, M.P.P., Daniel Hanington, M.P.P., Bliss Botsford, M.P.P., James Taylor, M.P.P., Robert B. Chapman, M.P.P., Matthew M'Leod, M.P.P., George Hayward, M.P.P., George Ryan, M.P.P., Henry W. Purdy, M.P.P., William Scoullar, M.P.P., Robert D. Wilmot, M.P.P., William H. Steves, M.P.P., Reuben Stiles, M.P.P., William H. Needham, M.P.P., S. L. Tilley, M.P.P., George L. Hatheway, M.P.P., John M. Johnson, M.P.P., William Porter, M.P.P., John Robinson, M.P.P., Robert Jardine, George Botsford, President of the Central Bank of New Brunswick, James M'Farlane, Thomas G. Hatheway, William Wright, D. J. M'Laughlin, President of the Commercial Bank at the City of Saint John, James W. Chandler, Nehemiah Marks, Frederick A. Wiggins, Joseph Salter, Enoch Stiles, George Calhoun, John Smith, John C. Littlehale, James Roach, James Secord, Alleyn C. Evanson, William Coates, Moses Jones, Silas Crane Charters, John Robb, John Hickman, Junior, Christopher Boltenhouse, Charles F. Allison, George Oulton, William H. Buckerfield, Peter Etter, Charles F. Prescott, Allan Otty, Henry Chubb, William R. M. Burtis, John V. Thurgar, George E. Fenety, T. W. Anglin, Edward Allison, Thomas E. Millidge, President of the Bank of New Brunswick, Charles Brown, George Sutherland, John Wesley Weldon, Stephen Binney, Alexander Wright, and such other persons as shall from time to time become proprietors of the shares in the Company hereby established, their successors and assigns, shall

PROJECTED RAILWAY FROM HALIFAX TO QUEBEC. 13

be, and they are hereby declared, ordained and constituted to be a Corporation, Body Politic and Corporate, by the name of *The European and North American Railway Company*, and shall by that name have perpetual succession and a Common Seal; and shall and may by the same name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever, and shall also have power and authority to purchase, hold and enjoy lands, tenements and hereditaments, for them and their successors and assigns, for making the Railway, and for settlers on the line of the said Railway, and generally for the purposes of carrying the provisions of this Act into effect; and also that they the said Company, shall from time to time, and at all times, have full power and authority to constitute, make, ordain and establish such bye-laws, regulations and ordinances as may be deemed necessary for the good rule and government of the said Company: Provided that such bye-laws, regulations and ordinances as may be deemed necessary, be not contradictory or repugnant to the laws of this Province: and provided also, that no bye-laws, regulations and ordinances made under and by virtue of the power and authority of this Act, shall be of any force or effect, until one calendar month after a true copy of such bye-laws, regulations and ordinances, certified under the hand of the President of the said Company, shall have been laid before the Lieutenant-Governor or Administrator of the Government in this Province for the time being, for approval or disapproval, unless the Lieutenant-Governor or Administrator of the Government shall before such period signify his approbation thereof.

NEW BRUNSWICK.  
Perpetual succession.  
Common seal.  
Suits.

Bye laws to be submitted to the Lieut.-Governor for approval.

II. And be it enacted, That the capital stock of the Company hereby established shall be Fifteen hundred thousand pounds, the whole to be paid in current money of this Province; the whole amount of the said capital stock to be divided into sixty thousand shares, of twenty-five pounds each; and the said Corporation, if necessary, shall have power to extend the said capital stock to a sum or sums not exceeding Two millions of pounds of like current money, and shall have power to increase the number of shares accordingly; which original shares and increased stock shall be vested in the persons hereinbefore named, and such other persons as may take shares in the said Company, their successors or assigns; and upon taking such shares, they shall deposit in such Bank or Banks in the British North American Colonies, or elsewhere, as the Directors of the said Company shall from time to time appoint for that purpose, the sum of five shillings per share current money aforesaid; and the remaining amount of such shares shall be called in as the work progresses, in such parts and amount per share as the Directors of the said Company may deem necessary: Provided always, that two pounds ten shillings per share shall be the greatest amount per share of any one call which the said Directors may make on the shareholders, and two months at least shall be the interval between successive calls; and thirty days previous notice of payment being required for any one call, shall be given in the Royal Gazette at Fredericton, and one or more of the newspapers published in the city of Saint John: Provided also, that the whole amount of such calls shall not exceed, in any one year, one third part of the amount subscribed; and on demand of the holder of any share, the Company shall cause a receipt or certificate of the proprietorship of such share to be delivered to such shareholder, and the same may be according to the form in the Schedule A to this Act annexed, or to the like effect, or in such other form as the said Company may by their bye-laws prescribe; and every of the said shares shall be deemed personal estate, and transferable as such, and shall not be deemed or taken to be of the nature of real property; and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company: Provided also, that the money so to be raised as aforesaid, shall be laid out in the making, completing and maintaining the said Railway, and other the purposes therewith connected, mentioned in this Act, and in payment of the legal and other expenses incurred in and about the incorporating and establishing the said Company, and to no other use or purpose whatsoever.

Capital to be 1,500,000*l.*, divided into 60,000 shares, with power to increase.

Periods and amounts of payments.

Shares to be personal estate.

III. And be it enacted, That so soon as One hundred thousand pounds of the capital stock of the said Company shall have been subscribed, and the deposit of five shillings per share shall have been actually paid as aforesaid, and not before, it shall be lawful for the said Company, and they are hereby authorized and empowered, by themselves, their deputies, agents, officers, and workmen, to make, construct, finally complete, alter, and keep in repair, a Railway, with one or more sets of rails or tracks, with all suitable bridges, archways, turn-outs, culverts, drains, and all other necessary appendages, and to erect such wharves, moles, jetties, piers, docks, harbours, landings, aboideaux, dikes, buildings, depôts, and warehouses, either at the termini or on the line of the said Railway, and to purchase and acquire such stationary or locomotive steam-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 passenger and merchandize thereon, and for other purposes of this Act; and may hold and possess the land over which the said Railway is to pass, and such adjoining lands as may be required; which Railway is to run from some point or place from the Eastern Boundary of this Province, in the County of Westmorland, so as best to connect with a Railway to be constructed from the City of Halifax, or some other Port on the Eastern Coast of the Province of Nova Scotia, on the Atlantic Ocean, over the most practicable route through this Province of New Brunswick, so as best to connect with a Railway to be constructed from the City of Bangor, in the United States of America, to the Eastern part of the State of Maine, under a Charter from the same State, with a like name as is used in this Act, as the Directors of this Company, in the exercise of their best judgment and discretion, shall judge most favourable and best calculated to promote the public convenience, and carry into effect the intentions and purposes of this Act: Provided always, that a Map or Plan of the route determined upon shall be deposited in the Office of the Secretary of this Province.

On subscription of 100,000*l.* and deposit of 5*s.* per share, Company authorized to construct and maintain their railway, with necessary appendages.

Direction of the route.

Plan of route to be deposited in the Provincial Secretary's office.

NEW  
BRUNSWICK.

Company empowered to make branch railways and own steam-boats.

Interest on moneys called in may be paid till the railway be completed.

Evidence of property in a share.

No share to be transferred while in arrear.

Company not bound to see to the execution of trust in respect of shares.

Subscribers to the stock, and their representatives, to pay as appointed by the directors.

Power to make calls upon the shareholders for money.

Interest to be paid on overdue calls.

Power to receive advances from shareholders on interest.

Power to sue defaulting shareholders.

Declaration in suits to recover money due on calls.

IV. And be it enacted, That the said Company shall and may, if they deem it expedient, make Branch Railways to every or any part of the Province, and manage such Branch Railways, and procure and own such steam-boats or vessels as may be necessary to ply in connexion with the said Railway, in the waters of any part of the Gulf of Saint Lawrence, or in the Bay of Fundy, or in the waters contiguous to either of them; and for that purpose shall exercise and possess all the powers, privileges, and authorities necessary for the management of the same in as full and ample a manner as they are hereby authorized to do with respect to the said Railway.

V. And be it enacted, That it shall be lawful for the Directors of the said Company, in their discretion, until the said Railway shall be completed and opened to the public, to pay interest at any rate not exceeding six pounds per centum per annum on all sums called up, in respect of the shares from the respective days on which the same shall be paid, such interest to accrue and be paid at such times and places as the said directors shall appoint for that purpose: Provided always that no interest shall accrue to the proprietor of any share upon which any call shall be in arrear in respect of such shares or any other share to be holden by the same proprietor during the period while such call shall remain unpaid.

VI. And be it enacted, That the certificate of the proprietorship of any share in the said Company shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors, or assigns, to the share therein specified; nevertheless, the want of such certificate shall not prevent the holder of any share from disposing thereof.

VII. And be it enacted, That 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.

VIII. And be it enacted, That the said Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject and the receipt of the party in whose name any such share shall stand in the books of the said Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders shall from time to time be a sufficient discharge to the said Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the said Company have had notice of such trusts, and the said Company shall not be bound to see to the application of the money paid upon such receipts.

IX. And be it enacted, That the several persons who have or shall hereafter subscribe any money towards the said undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portion thereof as shall from time to time be called for by the Directors of the said Company, at such times and places as shall be appointed by the said Directors; and with respect to the provisions in this Act contained for enforcing the payment of the calls, the word "shareholder" shall extend to and include the personal representatives of such shareholder.

X. And be it enacted, That it shall be lawful for the Directors of the said Company from time to time to make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they shall deem necessary, provided that thirty days' notice at the least be given of each call as aforesaid, and that no call exceed the prescribed amount aforesaid, and that successive calls be not made at less than the prescribed interval aforesaid, or a greater amount called in, in any one year, than the prescribed amount aforesaid; and every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the said Company or the Directors thereof.

XI. And be it enacted, That if before or on the day appointed for payment any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law, that is to say, six per centum per annum from the day appointed for the payment thereof to the time of the actual payment.

XII. And be it enacted, That it shall be lawful for the said Company, if they think fit, to receive from any of the shareholders willing to advance the same, all or any part of the moneys due upon their respective shares beyond the sums actually called for; and upon the principal moneys so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares, in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding the legal rate of interest for the time being, as the shareholder paying such sum in advance and the said Company may agree upon.

XIII. And be it enacted, That if at the time appointed by the said Company, or the Directors thereof, for the payment of any call, any shareholder shall fail to pay the amount of such call, it shall be lawful for the said Company to sue such shareholder for the amount thereof 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.

XIV. And be it enacted, That in any action or suit 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 said Company to declare that the defendant is the holder of one share or more in the said Company, stating the number of shares, and is indebted to the said Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more, stating the number and amount of each of such calls whereby an action hath accrued to the said Company by virtue of this Act.

**NEW BRUNSWICK.**

XV. And be it enacted, That 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 the holder of one share or more in the said Company, and that such call was in fact made and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, or any other matter whatsoever; and thereupon the said Company shall be entitled to recover what shall be due upon such call and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed as aforesaid.

Proof of call, and defendant having been a shareholder at the time sufficient.

XVI. And be it enacted, That the production of the Register of Shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

Register of shareholders to be *prima facie* evidence.

XVII. And be it enacted, That if any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the Directors of the said Company at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which such call was payable, forfeited, and that whether the said Company have sued for the amount of such call or not.

Shares in arrear may be declared forfeited.

XVIII. And be it enacted, That before declaring any shares forfeited, the Directors of said Company shall cause notice of such intention to be left or transmitted by Post to the usual or last place of abode of the person appearing by the Register of Shareholders to be the proprietor of such share; and if the holder of any such share be beyond the limits of this Province, or if his usual or last place of abode be not known to the said Directors, by reason of its being imperfectly described in the shareholders' Address Book, or otherwise; or if the interest in any share shall be known by the said Directors to have become transmitted otherwise than by transfer, and so the address of the parties to whom the said share or shares may for the time being belong shall not be known to the said Directors, the said Directors shall give public notice of such intention in the Royal Gazette, at Fredericton, and also in one or more of the Newspapers published in the city of Saint John, and the several notices aforesaid shall be given ninety days at least before the said Directors shall make such declaration of forfeiture.

Notice to be given of intention to declare shares forfeited.

XIX. And be it enacted, That the said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share, until such declaration shall have been confirmed at the next general meeting of the said Company to be held after such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the said Company to confirm such forfeiture at any such meeting, and by an order at such meeting, or any subsequent general meeting, to direct the share or shares so forfeited to be sold; or otherwise disposed of.

Forfeiture of shares to be confirmed at a general meeting.

XX. And be it enacted, That after such confirmation as aforesaid, it shall be lawful for the said Directors to sell the forfeited share by public auction; and if there be more than one forfeited share, then either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold as aforesaid.

Forfeited shares to be sold.

XXI. And be it enacted, That an affidavit by some credible person not interested in the matter, sworn before any Justice of the Peace, or before any Commissioner for taking affidavits in the Supreme Court, or other person qualified by law to take affidavits, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated, and such affidavit, and the receipt of the Treasurer of the said Company for the price of such share, shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Evidence of proprietorship in purchased shares.

XXII. And be it enacted, That the said Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and the expenses attending such sale and declaration of forfeiture, and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, with the proof thereof and certificate of proprietorship to the purchaser, the surplus shall, on demand, be paid to the defaulters.

No more shares to be sold than are sufficient to pay off arrears and expenses.

XXIII. And be it enacted, That if payment of such arrears of calls, and interest and expenses, be made before any share or shares so forfeited and vested in the said Company shall have been sold by public auction as aforesaid, such share or shares shall revert to the party or parties to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

On payment of arrears before sale, shares to revert to the party.

XXIV. And be it enacted, That his Excellency the Lieutenant-Governor, or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, be and is hereby authorized and empowered to grant unto the said Company, and the said Company are hereby invested with the right, by their agents, servants, and workmen, to enter and go in and upon the Crown Lands lying in the route or line of the contemplated Railway, for the purpose of making examinations, surveys, and other necessary arrangements, and also for the construction and repair of the said Railway and the Branches connected with the said Railway, its several station-houses and depôts, and for fuel for the use of the engines, station-houses, and depôts belonging thereto and the said Branches, to dig for,

Company, with the consent of the Executive Government, authorized to enter on Crown lands for examination, and take materials for construction.



NEW  
BRUNSWICK.

Executive Govern-  
ment authorized to  
grant lands for the  
route of the railway.

take, remove, and use any earth, gravel, stone, timber, wood, or other matter, under, on, or from the Crown Land contiguous to the Railway, free from any duties or charges therefor.

XXV. And be it enacted, That it shall and may be lawful for the said Lieutenant-Governor or Administrator of the Government for the time being, by and with the consent aforesaid, and he is hereby fully authorized and empowered, to grant unto the said Company, without pecuniary consideration, from the vacant Crown Lands, a belt or strip of such part of the Crown Lands as the said contemplated railway and the said branches may pass over and through, the said belt or strip to extend two hundred feet on both sides of the track of the Railway measured from the centre thereof, and also additional pieces or parcels of land severally not exceeding five hundred feet in length and three hundred feet in breadth; measured along and at right angles to the line of the said belt or strip of land at such points and distances from each other not less than five miles, as may be necessary and the said Company may elect and determine.

Power to erect bridges.

XXVI. And be it enacted, That if the said Railroad shall in the course thereof cross any tide waters, navigable rivers or streams, the said Company are hereby authorized and empowered to erect, for the sole and exclusive travel on the said Railroad, a Bridge across each of the said rivers or streams, or across any such tide waters, provided such Bridge or Bridges shall be so constructed as not unnecessarily to obstruct or impede the navigation of said waters.

Exemptions from tax-  
ation.

XXVII. And be it enacted, That no County, Parish, City, or other local tax or assessment shall be levied or assessed on or payable by the said Corporation, or any of their lands, tenements, personal property, privileges, or franchises, or on the stock thereof owned by the respective shareholders therein, or on the income derivable therefrom.

Legislature may in-  
quire as to the doings  
of the Company, and  
by fines compel a  
compliance with this  
Act, but shall not im-  
pose other duties, nor  
alter this charter with-  
out consent.

XXVIII. And be it enacted, That the Legislature of this Province shall at all times hereafter have the right to inquire into the doings of the said Corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by the said Corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said Corporation, which may be necessary more effectually to compel a compliance with the provisions, liabilities, and duties herein set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations; and that this Charter shall not be revoked, annulled, altered, or amended without the consent of the Corporation, or during the present Session of the Legislature, or limited or restrained except by due process of law.

Corporation may join  
any other corporation  
in Nova Scotia or  
State of Maine to con-  
struct the whole or any  
portion of the line of  
railway from Bangor  
to the eastern coast of  
Nova Scotia.

XXIX. And be it enacted, That it shall be lawful for the said Corporation, if they shall at any time or times hereafter deem it expedient to do so, to join or unite with any Body Politic, or Corporation or Company in the Province of Nova Scotia, or State of Maine, or to be formed therein for the purpose of constructing the whole or any portion of the said continuous line of Railway from the City of Bangor aforesaid, through this Province of New Brunswick to the Eastern Coast of Nova Scotia, as set out in the third Section of this Act; and also to enter into such contracts, arrangements, or agreements, by Deeds or Writings, with all or any of such Bodies Politic, Corporations, or Companies, as may be considered mutually beneficial, and as will conduce to the accomplishment of the desired end, and to the effectual carrying into operation the objects and intentions of this Act, and of such Bodies Politic, Corporations and Companies, and as may tend to the mutually beneficial management of the affairs of said continuous Railway during its erection and after its completion, and the just and equitable distribution and appropriation of the proceeds and earnings thereof; and all such contracts, arrangements, agreements, deeds, and writings, shall be valid and binding within this Province, as well on this Corporation as on such Bodies Politic, Corporations, and Companies, being parties thereto respectively, and shall be duly enforced in the Courts of this Province, as if the said Bodies Politic, Corporation, and Companies had been duly incorporated herein.

If railway be not com-  
pleted within ten years,  
grants of land and  
privileges to revert to  
Her Majesty.

XXX. Provided always, and be it enacted, That if the said contemplated Railway shall not be completed and in full operation within the space of ten years from the time this Act shall come into operation, all and every the said grants of land, and the rights and privileges conferred by this Act shall be utterly null and void, and the land and privileges shall revert to and revert in Her Majesty, as fully as if no grant had been made or rights and privileges conferred.

Company invested  
with all necessary  
powers, &c.  
To enter on lands for  
survey.

XXXI. And be it enacted, That the said Company shall be and are hereby invested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the intentions and object of this Act; and for this purpose the said Company, their successors, deputies, agents, and assistants shall have the right to enter and go into and upon the lands and grounds of all and every description lying in the said route and general direction as aforesaid, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Railway; and it shall and may be lawful for the said Company and their successors to take and hold so much of the land and other real estate as may be necessary for the laying out, making and constructing, and convenient operation of the said Railway, and shall also have the right to take, remove and use, for the necessary construction and repair of said Railway and appurtenances, any earth, gravel, stone, timber, or other materials on or from the land so taken, without any previous agreement with the owner or owners, tenant or tenants of the land, and upon which such surveys, examinations, or other arrangements may be made, or through which the said Railway may be explored, laid out, made, worked, or constructed, or on which materials and other things shall be laid for the purposes of the said Railway: Provided always, that the said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment, and

Take lands and ma-  
terial.

Extent limited.

1851

**PROJECTED RAILWAY FROM HALIFAX TO QUEBEC. 17**

where the said Railway shall pass through any woods, lands, or forests, the said Company shall have the right to fell or remove any trees standing thereon to the distance of six rods from either side of the said railway, which by their liabilities to be blown down, or from their natural falling, might obstruct or impair said Railway: Provided always, that in all cases the said Company shall pay for such lands or estate so taken or used (in case the owner thereof demand it), such price as the said Company and the owner or respective owners thereof may mutually agree upon; and in case the said parties should not agree, then it shall be lawful for the said Company or the said parties to apply to three or more of the Commissioners to be appointed in manner hereinafter provided, who shall, after giving at least twenty days notice in writing to the said Company and parties, examine the site of the said Railway; 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 Commissioners or a majority of them: Provided always, that not less than three Commissioners shall concur in such assessment: Provided nevertheless, that the said Commissioners in assessing the said damages, are authorized and empowered, and shall take into consideration the indirect as well as the direct advantages which may accrue to the owner or respective owners, as such owner or respective owners, by the construction of such Railway, as by 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; and in all cases where the Commissioners shall assess damages to be paid to the owner or owners of any land over which the said Railroad may be laid out, the Commissioners so assessing shall lay the said assessment before the next general 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 persons for whom such damages may have been assessed, within twenty-one days next after such general meeting of the said Company, together with the reasonable costs and charges of the said Commissioners in assessing such damages; and in default of such payment it shall and may be lawful for the said Commissioners, or either of them (in case of the absence or death of the others), at the instance of the said party or parties to whom such damages are payable, by warrant under the hands and seals of the said Commissioners or one of them (in case aforesaid), to levy the same with costs by distress and sale of the goods and chattels of the said Company: Provided always, that no claim for damages shall be allowed by such Commissioners, unless the same shall have been made in writing and submitted to the said Company within one year from the time of taking such land or other property: 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 lands without the previous permission of the Executive Government of the Province.

XXXII. "And whereas divers and many persons, being the owners and proprietors of or interested in lands through which the line or route of the said Railway may pass, have by deeds or writings under their hands and seals, after reciting that—Whereas at a Convention held at Portland in the State of Maine, for the purpose of devising means to insure the construction of a Railroad to extend from Portland aforesaid, in a continuous land route through the Province of New Brunswick, to a suitable point or terminus on the Eastern Coast of the Province of Nova Scotia, and to be called 'The European and North American Railroad,' John A. Poor, Esquire, of Portland, the Honourable Anson G. Chandler, of Calais, the Honourable Elijah L. Hamlin, of Bangor, the Honourable James B. Uniacke, of Halifax, Robert B. Dickie, Esquire, of Amherst, Robert Jardine, Esquire, of Saint John, and George Botsford, Esquire, of Fredericton, were appointed an Executive Committee to carry out the object of the said Convention, and to obtain a Charter or concurrent Charters from the Legislatures of Maine, New Brunswick, and Nova Scotia, to incorporate a Company or Companies for that purpose: Then in consideration that the said Committee did take upon themselves the aforesaid duty, and procure as aforesaid, a Charter or concurrent Charters, the subscribers feeling a deep interest in the erection of the said Railroad, did each for himself thereby covenant and agree to and with the said Committee, that such Company when formed, or any persons in their employment might, for the purpose of such Railroad, enter upon any lands belonging to either of them, and appropriate therefrom a sufficient width of way for such road over such lands, not exceeding six rods in width, without any claim for compensation or damages on either of their parts, except in cases where such road or width of way requires the removal of any buildings; and they further severally consented each for himself, that an Act of Assembly might be passed, to give full effect to the licence and agreement aforesaid, and for vesting such width of way in such company for the purposes of such road: And whereas other parties have executed or may hereafter execute other deeds, covenants, agreements, writings, or documents to the like purport and effect, or for carrying out the same objects or intentions;" Be it therefore enacted, That all and every such deeds, covenants, agreements, writings or documents already executed, or which shall hereafter be executed, shall be binding in law on each and every of the said parties thereto respectively, and each and every of them, their heirs and assigns, to take effect from the day when the same shall be respectively signed by the respective parties thereto, and be binding on such parties, their heirs and assigns, from the day of such signing of the same respectively, as if made and entered into with this Company after the passing of this Act, and of the organization of the said Company themselves, and all the lands, rights, privileges and immunities mentioned and referred to in said deeds, covenants, agreements, writings or documents respectively, which may be required, taken or used by the said Company, for the purposes of the said Railway, shall by operation of law vest absolutely in said Company, and shall be to all intents and purposes as valid and effectual for

**NEW  
BRUNSWICK.**

Company to pay for lands taken.

In case of disagreement damages to be assessed by Commissioners.

Assessment to be laid before the next meeting of the Company, and amount paid.

On default to be levied with costs.

Effect given to past or future agreements for transfers of land for the route of the railway.

NEW  
BRUNSWICK.

absolutely conveying and transferring said lands, and the right, title and interest of said parties respectively, their heirs and assigns, therein or thereto; as if they had respectively signed, sealed and delivered to the said Company good, valid, and effectual conveyances and assurances therefor, and for the rights, privileges and immunities granted, mentioned or intended to be granted by such deeds, writings, covenants, agreements or documents respectively, without registration or further act, deed, matter or thing being done or performed.

Executive Government to appoint Commissioners to settle all disputes as to lands and materials taken, &c., under sections 31, 34, and 35.

XXXIII. And be it enacted, That when and so soon as the same may be deemed necessary, the Lieutenant-Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, shall appoint not less than five persons to be Commissioners for ascertaining and settling all disputes or difficulties, with reference to the payment for land or materials taken or used by the said Company under the thirty-first, thirty-fourth, and thirty-fifth sections of this Act, or damages occasioned thereby; which said Commissioners shall be appointed during pleasure; and in case of vacancy by refusal to act, resignation, death, removal, incapacity, or absence from the Province, appointments shall be forthwith made as aforesaid for filling such vacancies, and said Commissioners shall be sworn to the faithful and impartial discharge of their duties before any Clerk of the Peace for any County in this Province, and the Clerk so administering such oath shall forthwith transmit a certificate of such oath having been duly administered, to the Office of the Secretary of the Province.

Agreements with, and discharges by, Corporations and trustees for lands taken to be valid.

XXXIV. And be it enacted, That when the said Company shall take any land or estate of any Body Corporate, aggregate or sole, guardians, committees, executors, administrators, or other trustees whatsoever, held for or on behalf of those whom they represent, whether corporations, infants, idiots, lunatics, femme-coverts, persons deceased or beyond seas, or other person or persons whatsoever, who are or shall be possessed of or interested in the said land or estate, the respective contracts, agreements, and sales of the said corporations, guardians, committees, executors, administrators, or other trustees whatsoever, shall be valid and effectual in law to all intents and purposes whatsoever, and their respective receipts shall be good and valid releases and discharges therefor; and it shall be lawful for them respectively to agree and settle with the said Company for damages, if any, by reason of taking such land or estate aforesaid, and in case of disagreement, such damage to be ascertained and settled as provided by the thirty-first section of this Act.

Power to enter on adjacent lands and take materials for the construction and repair of the railway.

XXXV. And be it enacted, That the said Company, their superintendents, engineers, agents, and workmen, may enter upon the land adjoining the said Railway, and from thence take and carry away any timber, stone, gravel, sand, and earth, or materials necessary for the construction of the said Railway; and in case of any slip happening or being apprehended to any cutting, embankment, or other work belonging to the said Railway, the said agents and workmen shall at all times hereafter have full egress and regress into and upon such adjoining lands, for the purpose of repairing and preventing such accident, and to do such works as may be necessary for the purpose: Provided always, that such works shall be as little injurious to the said adjoining land as the nature of the operations will admit of, and shall be executed with all possible dispatch, in all which cases the damage incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the thirty-first section of this Act.

Fences to be maintained on each side of the railway.

XXXVI. And be it enacted, That the said Company, at their own proper costs and charges, shall erect and maintain on each side of the said Railway, sufficient fences wherever the same may be necessary, in order to protect the public, or wherever any cleared or cultivated land occurs on the line of the said Railway, and for neglect or failure to erect and maintain such necessary fences, the said Company shall be liable to be indicted at any Court of Oyer or Terminer or General Sessions of the County where such fences shall be insufficient, and to be fined in such sum as shall be then and there adjudged; and such fine shall be expended for the erection or repair of said fences, and for compensation of individual damage, as the case may be; and it shall and may be lawful for the Justices of the said Court of Oyer and Terminer or General Sessions, to make such order for levying the said fine on the property of the said Company, or otherwise, as to them shall seem most proper to the exigencies of the case, which said fine shall be exclusive of any claim for damages which any party may sustain by any such neglect or failure as aforesaid.

A bell to be rung at eighty rods distance from every railway crossing.

XXXVII. And be it enacted, That the said Company shall cause a Bell of at least thirty-five pounds in weight, to be placed on each locomotive engine passing upon the said road, and the said bell shall be rung at the distance of at least eighty rods from the place where such road crosses any railroad, turnpike, highway, statute labour, or private road, upon the same line with the railroad, and shall be kept ringing until the engine shall have crossed such railroad, turnpike, highway, statute labour or private road, and every train of cars moved by steam power shall be provided with suitable breaks, and one trusty and skilful breaksman to every two cars in said train.

Boards with a printed caution to be put up at the crossing of roads.

XXXVIII. And be it enacted, that wherever the said Railway or any of its branches shall cross, or shall hereafter cross any railroad, highway, turnpike road, statute labour or private road for carriages of any description, within this Province, the said Company shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each railway, highway, statute labour or private road, where it is crossed by the railroad upon the same level therewith, the said posts and boards to be of such height as shall be easily seen by travellers without obstructing the travel, and on each side of said boards the following inscription shall be printed in plain legible letters of at least the length of nine inches, "Rail Road crossings, look out for the engine when the bell rings!" Provided always, that it shall be lawful, if the said Company shall deem it more conducive to the public safety, for the said

Company may alter any turnpike or other road, instead of crossing on a level.

Company, at their own expense, to carry such turnpike or highway, statute labour or private road, over or under such railway; by means of a bridge or archway, in lieu of crossing the same on the level, and shall have power to raise or lower such turnpike, statute labour or private road, so as the safe and convenient use thereof be not obstructed: and the said Company shall constantly maintain in good repair all bridges, with the abutments and embankments which they may construct for conducting the railroad over any turnpike, highway, statute labour or private road, over said railroad; and when the said railway shall approach any such turnpike, highway, statute labour or private road, so as to be inconvenient in the construction or building of said railroad, or in the discretion of the Directors of the said Company, dangerous to persons passing on such turnpike, highway, statute labour or private road, it shall be lawful for the said Company to alter and change the line or course of such turnpike, highway, statute labour or private road, so as to obviate any such inconvenience difficulty or danger, doing as little injury to such turnpike, highway, statute labour or private road, as may be.

**XXXIX.** And be it enacted, That the immediate government and management of the affairs of the said Company shall be vested in seven, nine, or thirteen Directors, as the said Company may by bye law from time to time fix and determine, who shall be proprietors of at least forty shares each, and who shall be chosen by the shareholders of the said Company in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places; that not less than three or five Directors, as the said Company shall by bye laws from time to time fix and determine, 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; that 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.

Company affairs to be managed by a Board of directors.

Board for business.

**XL.** And be it enacted, that the number of votes which each shareholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the shareholders are to be given, shall be in the following proportions, that is to say, each share one vote; and all shareholders may vote by proxy if they shall see fit, provided each proxy do produce from his constituent whom he shall represent, or for whom he shall vote, an appointment in the form set forth in Schedule B to this Act annexed, or to the like effect; and whatever question of election of public officers or other matters or things shall be proposed, discussed, or considered in any public meeting of the said Company under the authority of this Act, shall be determined and decided by the majority of votes and proxies then and there present: Provided always, that such proxy shall have been registered in a book to be kept for that purpose, at least forty eight hours before the meeting at which such proxy shall claim to vote: Provided also, that neither the President nor any Director of the Company for the time being, shall be allowed to vote as proxy, and that the same person shall not vote as proxy for any number of persons who together shall be proprietors of more than two hundred shares.

Number of votes to be given by shareholders ascertained.

Votes by proxy.

**XLI.** And be it enacted, That whenever One hundred thousand pounds of the said capital stock shall have been subscribed and the deposits paid as aforesaid, the first general meeting of the shareholders shall take place at the City of St. John, and such meeting shall be called by Daniel J. McLaughlin, President of the Commercial Bank above named, or in case of his death, absence, neglect or refusal, by any two of the said Company, to be called by notice in the Royal Gazette at Fredericton, and in one or more of the newspapers published in St. John, thirty days previous to such meeting, in order to organize the said Company, make bye laws, and to choose the Directors thereof, who shall continue in office until re-elected, or others chosen and appointed in their stead, at any meeting to be held under the authority of this Act; that the shareholders present or appearing by proxy shall choose the Directors of the said Company by a majority of votes, and the Directors so chosen shall choose out of their number one who shall be President of the said Company; and in case of the death, resignation, removal, disqualification by sale of stock, or incompetency of any Director, the remaining Directors, if they think proper so to do, may elect in his place some other shareholder duly qualified to be a Director, and the shareholder so elected to fill up any such vacancy, shall continue in office as a Director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

First meeting of the shareholders to be held at Saint John, when 100,000<sup>l</sup>. are subscribed.

**XLII.** And be it enacted, That the said Directors shall have the power of calling extraordinary meetings of the said Company, when they may consider the same expedient or necessary, and of nominating and appointing all and every the officers and engineers and other persons connected with the said Railway, at such salaries or rates of remuneration as to the said Directors shall seem proper, subject to the bye laws, rules and regulations of the said Company; and the shareholders shall have the power from time to time to alter and amend, or to make such new rules, bye laws and regulations, for the good government of the said Company, and of the said Railway, and of the works and property hereinbefore mentioned, and for the well governing of the engineers, workmen and other persons employed by the said Company, as to the major part of the said shareholders at the annual meeting of the said Company shall seem meet; which said rules, bye laws, and regulations, being put into writing under the Common Seal of the said Company, shall, if not disapproved of by the Lieutenant-Governor or Administrator of the Government in this Province for the time being, as hereinbefore provided, be published in the Royal Gazette at Fredericton, and also in one or more of the newspapers published in the City of Saint John, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law to justify all persons who shall act under the same.

Directors may call extraordinary meetings, and appoint officers.

Shareholders empowered to make bye-laws at the annual meeting.

To be published, and binding, if not disapproved by the Lieutenant-Governor.

NEW  
BRUNSWICK.

Annual meeting

Appointment of  
directors.Two auditors to be  
appointed at the first  
annual meeting, and  
one at each meeting  
thereafter.One auditor to go out  
each year, but to be  
re-eligible.Periodical accounts  
and balance sheets to  
be submitted to the  
auditors, who shall  
report on or confirm  
the same.Officers entrusted with  
the custody of money  
to give security.Officers to render  
accounts and vouchers  
when required, and  
pay over balances.On failure officers may  
be cited before two or  
more justices of the  
peace, who may  
determine the matter  
in a summary way.On refusal to render  
accounts, &c., the  
justices may commit  
the officer to gaol.

XLIII. And be it enacted, That the said shareholders shall meet annually at the City of Saint John on the first Tuesday in September in each year, or at such other time or place in this Province in each year as may from time to time be fixed and determined by any bye laws of said Company; at which meeting the shareholders present, personally or by proxy, may either continue in office the Directors before appointed, or any number of them, or may elect a new body of Directors to supply the places of those not continued in office: Provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose by the Directors of the said Company: for the time being.

XLIV. And be it enacted, That the said Company at the first general meeting for the choice of Directors shall elect two Auditors in like manner as is provided for the election of Directors; and at the annual general meeting of the Company in each year thereafter, the Company shall in like manner elect an Auditor to supply the place of the Auditor then retiring from office according to the provisions hereinafter contained; and every Auditor so elected, being neither removed or disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his stead; and one of the two Auditors first elected (to be determined in the first instance by ballot between themselves, unless they shall otherwise agree, and afterwards by seniority) shall go out of office at the annual general meeting in each year; but the Auditor so going out shall be immediately re-eligible, and after any such re-election shall, with respect to the going out of office by rotation, be deemed a new Auditor; and if any vacancy take place among the Auditors in the course of the current year, the vacancy shall be filled by the shareholders at a special meeting: Provided always, that every Auditor shall have at least one share of stock in the said Company, but shall not hold any other office in the same, or be in any other manner interested in its concerns except as a shareholder.

XLV. And be it enacted, That the Directors of the Company shall deliver to such Auditors the half yearly or other periodical accounts and balance sheet, at least fourteen days before the annual general meeting, or before any special or periodical meeting at which the same are required to be produced to the shareholders; and it shall be the duty of the Auditors to receive and examine such accounts; and it shall be lawful for the Auditors to employ such accountants and other persons as they may think proper, at the expense of the Company, and they shall either make a special report on the said accounts, or simply confirm the same; and such report or confirmation shall be read, together with the Report of the Directors, at every annual or half yearly or special meeting at which the accounts of the Company shall be presented.

XLVI. And be it enacted, That before any person entrusted with the custody or control of moneys, whether Treasurer, Collector, or other officer of the Company, shall enter upon his office, the Directors shall take sufficient security from him for the faithful execution of his office.

XLVII. And be it enacted, That every officer employed by the Company shall from time to time, when required by the Directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand, of all moneys received by him on behalf of the Company; and such account shall state how, and to whom, and for what purpose such moneys shall have been disposed of; and together therewith, such officers shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the Directors, or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts.

XLVIII. And be it enacted, That if any officer of the Company shall fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same, which are in his possession or power, or to pay the balance due by him when required, or if for three days after being required, he fail to deliver up to the Directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power, relating to the execution of his office or belonging to the Company, then on complaint thereof being made to a Justice of the Peace, such Justice shall summon such officer to appear before two or more Justices at a time and place to be set forth in the Summons, to answer such charge; and upon appearance of such officer, or in his absence, upon proof that the summons was personally served upon him, or left at his last known place of abode, the Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear either upon confession of such officer, or upon evidence, or upon inspection of the account, that any moneys of the Company are in the hands of such officer, or owing by him to the Company, the Justices may order such officer to pay the same; and if he fail to pay the amount, it shall be lawful for such Justices to grant a Warrant to levy the same by distress, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding two months unless the same be sooner paid.

XLIX. And be it enacted, That if any such officer shall refuse to make out an account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers or writings, property, effects, matters or things in his possession or power, belonging to the Company, the Justices may lawfully commit such officer to gaol, there to remain until he shall have delivered up all the vouchers and receipts, if any, in his possession or power relating to such accounts, and have delivered up all books, papers, writings, property, effects, matters and things, if any, in his possession or power belonging to the Company: Provided always, that if any Director or other person acting on behalf of the Company, shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the Justice before whom the complaint is made,

instead of issuing his Summons, to issue his Warrant for the bringing such officer before two such Justices as aforesaid; but no person executing such Warrant shall keep such officer in custody longer than twenty-four hours before bringing him before some Justice, and it shall be lawful for the Justice before whom such officer may be brought, either to discharge such officer, if he think there is no sufficient ground for his detention, or to order such officer to be detained in custody, so as to be brought before two Justices at a time and place to be named in the order, unless such officer give bail to the satisfaction of the Justice for his appearance before the Justices, to answer the complaint of the Company.

L. And be it enacted, That no such proceeding against or dealing with any officer as aforesaid, shall deprive the Company of any remedy which they might otherwise have against such officer or any surety of such officer.

LI. And be it enacted, That the said Company shall annually submit to the Legislature, within the first fifteen days after the opening of each Session, a detailed and particular account, attested upon oath of the Treasurer and two Directors, of the moneys received and expended by the Company under and by virtue of this Act, with a statement of the amount of tonnage and of passengers that have been conveyed along the said road.

LII. And be it enacted, That the Lieut.-Governor in Council may order and direct the said Company, and whereupon it shall be their duty to make up and deliver to the Provincial Secretary, Returns, according to a form to be from time to time prescribed by the Lieutenant-Governor in Council, of the aggregate traffic in passengers, according to their several classes, and of the aggregate traffic in cattle and goods respectively, on the said Railway, as well as of all accidents which have occurred thereon attended with personal injury, and also a table of all tolls, rates and charges, from time to time levied on each class of passengers, and on cattle and goods, conveyed on the said Railway.

LIII. And be it enacted, That it shall be lawful for any number of shareholders holding in the aggregate five hundred shares, by writing under their hands, at any time to require the said Directors to call an extraordinary meeting of the said Company, and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the said Company, or given to at least three Directors, or left at their last or usual place of abode; and forthwith upon the receipt of such requisition the said Directors shall convene a meeting of the shareholders; and if for thirty days after such notice the Directors fail to call such meeting, the shareholders aforesaid, qualified as aforesaid, may call such meeting, by giving thirty days public notice thereof in the Gazette and newspapers hereinbefore in this Act mentioned.

LIV. And be it enacted, That thirty days public notice at the least, of all meetings, whether general or extraordinary, shall be given by advertisement in the Gazette and newspapers hereinbefore in this Act mentioned, which shall specify the place, the day and hour of meeting; and every notice of an extraordinary meeting shall specify the purpose for which the meeting is called.

LV. And be it enacted, That a toll be and 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, any of its branches, or in the steam boats or vessels connected therewith as aforesaid, at such rates per mile as may be established from time to time by the Directors of the said Company; the 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 and its branches, shall be in conformity to such rules, regulations, and provisions, as the said Directors shall from time to time prescribe and direct; and such Railway and its branches may be used by any person or persons who may comply with such rules and regulations: Provided always, that if after the completing the said Railway, the rates, tolls or dues that may be established by the said Company, under and by virtue of this Act, shall be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as the same shall not produce to the said Company a greater rate of clear net annual profits, divisible upon the subscribed and paid up capital stock of the said Company, than fifteen pounds annually for every one hundred pounds of such capital; and in order that the true state of the said Company shall be known, it shall be the duty of the President and Directors thereof to file in the Office of the Secretary of the Province, for the information of the Legislature, at the expiration of seven years after the said Railway shall have been completed as aforesaid, a just and true statement and account of the moneys by them disbursed and laid out in making and completing the said Railway in manner aforesaid; and also the amount of tolls and revenues of the said Railway, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said seven years; the said several accounts and statements to be signed by the President and Treasurer of the said Company, and by such President and Treasurer attested to on oath before any one of Her Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said President and Directors of the said Company, once in each and every year after the expiration of the said seven years, to file in the said office of the Secretary of the said Province, for the information of the Legislature, a like statement and account, verified on oath by the President and the Treasurer as aforesaid.

LVI. And be it enacted, That the said Corporation, after they shall commence the receiving of tolls, shall be bound at all times to have their Railroad in good repair, and a sufficient number of suitable engines, carriages, and other vehicles, for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same, when the appropriate tolls therefor shall be paid and tendered, and a lien is hereby created upon all articles transported for said tolls.

**NEW BRUNSWICK.**

A warrant may be issued on affidavit of belief of intention to abscond.

Proceedings against officers not to deprive the Company of other remedy. Account of moneys received and expended to be laid before the Legislature.

Returns of traffic to be made to the Provincial Secretary.

Power to call extraordinary meetings of the Company.

Thirty days' notice by advertisement to be given of all meetings of the Company.

Toll granted to the Company.

The rates may be reduced if found to be excessive.

Statement of expenses and receipts to be filed in the Provincial Secretary's Office for the information of the Legislature.

Obligations to have the railroad in good repair, &c., after commencement of receipt of tolls.

Lien granted.

NEW  
BRUNSWICK.

Right of purchasing the railway and its appurtenances reserved to Her Majesty's Government.

LVII. And be it enacted, That whatever may be the rate of divisible profits on the said Railway, it shall be lawful for Her Majesty's Government, if it shall think fit, subject to the provisions hereinafter contained, at any time after the expiration of the term of twenty-one years, to purchase the said Railway, with all its hereditaments, stock, and appurtenances, for the use of this Province, upon giving to the said Company three calendar months notice in writing of such intention, and upon payment of a sum equal to twenty-five years purchase of the annual divisible profits, estimated on the average of the seven then next preceding years: Provided that if the average rate of profits for the said seven years shall be less than the rate of fifteen pounds in the one hundred pounds, it shall be lawful for the Company, if they should be of opinion that the said rate of twenty-five years purchase of the said average profits is an inadequate rate of purchase of such Railway, reference being had to the prospects thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company: Provided also, that such option of purchase shall not be exercised, except with the consent of the Company, while any such revised scale of tolls, fares, and charges shall be in force.

Mails, guards, &c., to be forwarded on the railway under the direction of the Postmaster-General.

LVIII. And be it enacted, That it shall be lawful for the Postmaster General or his chief Deputy, or the duly authorized authorities with reference to the Post Office in this Province, by notice in writing under his hand or under the hand of such Deputy or authorized authority as aforesaid, delivered to the said Company, to require that the Mails or Post Letter Bags shall from and after the day to be named in such notice (being not less than twenty-eight days from the delivery thereof) be conveyed and forwarded by the said Company on their Railway, either by the ordinary trains of carriages or by special trains as need may be, at such hours or times in the day or night, as the Postmaster-General or his said Deputy shall direct, together with the guards appointed and employed by the Postmaster-General or his said Deputy in charge thereof, and any other officers of the Post Office; and thereupon the said Company shall from and after the day to be named in such notice, at their own costs, provide sufficient carriages and engines on the said Railway for the conveyance of such Mails and Post Letter Bags, to the satisfaction of the Postmaster-General or his said Deputy, and receive and take up, carry and convey by such ordinary or special train of carriages or otherwise, as need may be, all such Mails or Post Letter Bags as shall for that purpose be tendered to them, or any of their officers, servants or agents, by any officer of the Post Office, and also to receive, take up, carry and convey, in and upon the carriage or carriages carrying such Mails or Post Letter Bags, the guards in charge thereof, and any other officer of the Post Office, and shall receive, take up, deliver and leave such Mails or Post Letter Bags, guards and officers, at such places in the line of such Railway, on such days and such hours or times in the day or night, and subject to all such reasonable regulations and restrictions as to speed of travelling, places, times, and duration of stoppages and times of arrival, as the Postmaster-General or his said Deputy shall in that behalf from time to time order or direct: Provided always, that the rate of speed required shall in no case exceed the maximum rate of speed prescribed by the Directors of the said Company for the conveyance of passengers by their first class train, nor shall the Company be responsible for the safe custody or delivery of any Mail Bags so sent.

Compensation to be fixed by agreement or arbitration.

LIX. And be it enacted, That the said Company shall be entitled to such reasonable remuneration, to be paid by the Postmaster-General or his Deputy, for the conveyance of such Mails, Post Letter Bags, Mail guards and other officers of the Post Office, in manner required by such Postmaster-General, his Deputy, or by such authorized authority of the Post Office as he shall in that behalf nominate as aforesaid, as shall (either prior to or after the commencement of such service) be fixed and agreed upon between the Postmaster-General or such authorized authority and the said Company, or in case of difference of opinion between them, the same shall be referred to the award of two persons, one to be named by the Postmaster-General, or his Deputy, or such authorized authority, and the other by the said Company; and if such two persons cannot agree on the amount of such remuneration or compensation, then to the umpirage of some third person, to be appointed by such two first named persons, previously to their entering upon the inquiry; and the said award, or umpirage, as the case may be, shall be binding and conclusive on the said parties and their respective successors and assigns.

Nomination of arbitrators and umpires.

LX. And be it enacted, That in all references to be made under the authority of this Act, the Postmaster-General, his Deputy, or authorized authority, or the said Company, as the case may be, shall nominate his or their arbitrators within fourteen days after notice from the other party, or in default, it shall be lawful for the arbitrator appointed by the party giving notice, to name the other arbitrator, and such arbitrators shall proceed forthwith in the reference, and make their award therein within twenty-eight days after their appointment, or otherwise the matter shall be left to be determined by the umpire, and if such umpire shall refuse or neglect to proceed and make his award for the space of twenty-eight days after the matter shall have been referred to him, then a new umpire shall be appointed by the two first named arbitrators, who shall in like manner proceed to make his award within twenty-eight days, or in default be superseded, and so *toties quoties*.

Her Majesty's Forces of the Line, &c., to be conveyed when required.

LXI. And be it enacted, That the Directors of the said Company shall be bound to provide such conveyance for the Officers and Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia, or Police Forces, at such time or times (whether the same shall be the usual hours of starting trains or not) as shall be required or appointed by any officer duly authorized for that purpose, and with the whole resources of the Company; and the said Company shall be entitled to receive such reasonable remuneration, to be paid by such officer or the authority authorizing him, as shall be fixed and agreed upon between such

officer or authority and the said Company, or in case of difference between them, the same shall be referred to the award of two persons, one to be named by such officer or authorized authority, and the other by the said Company, in like manner in all respects as is provided in and by the fiftieth and fifty-first sections of this Act for determining the remuneration and compensation for carrying Mails.

LXII. And be it enacted, That the Directors of the said Company shall be and they are hereby authorized from time to time to alter or vary the tolls to be taken upon the said Railroad or its branches, as they shall think fit: Provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect to all passengers, and of all goods, chattels or carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of Railway under the same circumstances; and no reduction or advance in any such toll shall be made, either directly or indirectly, in favour of or against any particular company or person travelling upon or using the Railway.

Company may alter the rates of charges, so as to be equal to all alike.

LXIII. And be it enacted, That the said Company, on being required so to do by Her Majesty's Government, shall be bound to allow any person or persons duly authorized by Her Majesty's Government, with servants and workmen, at all reasonable times to enter into and upon the lands of the said Company, and to establish and lay down upon such lands adjoining the line of the said Railway or any of its branches, a line of Electrical Telegraph for Her Majesty's Service, and to give to him and them every reasonable facility for laying down the same and for using the same for the purpose of receiving and sending Messages on Her Majesty's Service, subject to such reasonable remuneration to the Company as may be agreed upon between the Company and Her Majesty's Government: Provided always, that subject to a prior right of use thereof for the purpose of Her Majesty, such Telegraph may be used by the Company for the purposes of the Railway, upon such terms as may be agreed upon between the parties, or in the event of differences, as may be settled by arbitration, in like manner as is provided for in the fiftieth and fifty-first sections of this Act for fixing the compensation or remuneration to this Company for carrying Mails.

Obligation to permit a line of electrical telegraph to be laid down for and by Her Majesty's Government.

LXIV. And be it enacted, That the Directors of the said Company shall make half-yearly dividends of tolls, income and profits arising to the said Company, first deducting thereout the annual costs, charges and expenses of the said Company, as well of the repairs of the works belonging to them, as for the salaries and allowances of the several officers and servants, and for such other purposes connected with the said Company as may be deemed proper by the said Directors, consistent with the bye-laws, rules and regulations of the said Company.

Half-yearly dividends of the profits to be made.

LXV. And be it enacted, That if any money be payable from the said Company to any shareholder or other person being a minor, idiot or lunatic, the receipt of the guardian of such minor, or the receipt of the committee of such lunatic, shall be a sufficient discharge to the said Company for the same.

Receipts of guardians of minors and committee of lunatics to be good discharges.

LXVI. And be it enacted, That before apportioning the profits to be divided among the shareholders, the said Directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing and improving the works connected with the said Railway or its branches, or any part of the said undertaking, and may divide the balance among the shareholders.

A portion of the profits may be reserved before declaring dividends.

LXVII. And be it enacted, That no dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

No dividend to be paid on shares in arrear.

LXVIII. And be it enacted, That the joint-stock or property of the said Company shall alone be responsible for the debts and engagements of the said Company; and that no person or persons who shall or may have dealings with the said Company shall under any pretence whatsoever have recourse against the separate property of any of the individual shareholders of the said Company, or against their person or persons, further than may be necessary for the faithful application of the funds of the said Company: Provided also, that no shareholder of the said Company shall be liable for or charged with the payment of any debt or demand due from the said Company beyond the extent of his share in the capital of the said Company not then paid up.

Joint stock to be alone responsible for the Company debts.

LXIX. And be it enacted, That no suit or action at law or equity shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act, unless such suit or action shall be commenced within six months next after the offence shall have been committed, or cause of action accrued; and the defendant or defendants in such suit or action may plead the general issue, and give this Act and the special matter in evidence under the said plea, and that the same was done in pursuance and by the authority of this Act.

Time limited for bringing actions for anything done under this Act.

LXX. And be it enacted, That if any person or persons shall wilfully and maliciously, or wantonly and to the prejudice of the undertaking, break, injure or destroy any of the works to be made by virtue of this Act, or obstruct the passage of any carriage on said Railroad, or in any way spoil, injure or destroy such Railroad, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction or for the use of the said Railroad, every such person or persons shall be adjudged guilty of felony; and every person so offending shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned in the Provincial Penitentiary for a term not exceeding four years, which punishment shall be in addition to any civil or other remedy for such offence.

Punishment for malicious acts, destroying works, &c.

LXXI. And be it enacted, That this Company shall have all the powers and authorities which are or may be given by any Act or Acts of the General Assembly of this Province to

Company to have all the powers of commissioners of roads for removing obstructions.



**NEW BRUNSWICK.**

Legislature may authorize the connexion of other railways.

Act to be void if railway be not completed within ten years.

Commencement of Act.

Form of certificate of share.

Form of proxy.

Commissioners of Roads for the purpose of removing any obstruction or for selling or disposing of any articles left on said Railroad.

LXXII. And be it enacted, That the Legislature of this Province may authorize other Companies to connect their Railroads with the Railroad of this Company at any points on the route of said Railroad, and this Company may connect their Railroad with any other Railroad existing or to be constructed within this Province.

LXXIII. And be it enacted, That the said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall and they are hereby required to make and complete the said Railway within ten years from the passing of this Act, and if the same shall not be so made and completed within the period before mentioned, so as to be used for the conveyance and carriage of passengers, goods, chattels, wares and merchandize thereon, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

LXXIV. And be it enacted, That this Act shall come into operation and be in force from and after the first day of June next ensuing.

**SCHEDULE A.**

**FORM OF CERTIFICATE OF SHARE.**

The European and North American Railway Company.

Number

This is to certify that A. B., of \_\_\_\_\_ is proprietor of the Share (or Shares) Number \_\_\_\_\_ of the European and North American Railway Company, subject to the regulations of the said Company, and upon which Shares respectively the sum of \_\_\_\_\_ has been paid.

Given under the Common Seal of the said Company the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord One thousand eight hundred and \_\_\_\_\_

**SCHEDULE B.**

**FORM OF PROXY.**

I, A. B., of \_\_\_\_\_ do hereby nominate, constitute and appoint C. D., of \_\_\_\_\_ to be my proxy, in my name and in my absence to vote or give any assent or to dissent from any business, matter or thing relative to the European and North American Railway Company, in such manner as he the said C. D. shall think proper and for the benefit of the said Company.

In witness whereof I, the said A. B., have hereunto set my hand (or if a Corporation say the Common Seal of the Corporation) the \_\_\_\_\_ day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

A. B.

J. R. PARTELOW,  
Provincial Secretary.

EDMUND HEAD, Lieut.-Governor.

(No. 32.)

No. 4.

No. 4.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to Earl GREY.

Government House, Fredericton, New Brunswick,  
May 23, 1851.

(Received June 10, 1851.)

MY LORD,

I HAVE the honour to enclose a copy of a petition addressed to myself, as Lieutenant-Governor, together with a copy of certain resolutions passed at a public meeting in the county of Restigouche with reference to the Halifax and Quebec Railway.

I have, in my Despatch of April 7, No. 15, sufficiently explained my own views as to the proposal conveyed in your Lordship's Despatch of March 14, No. 248.

The county of Restigouche is, as your Lordship knows, situated on the Bay of Chaleurs.

The difference of opinion thus manifested between different sections of the province completely exemplifies what I anticipated in my Despatch to your Lordship of March 31, 1849, paragraph 10\*.

The Right Hon. Earl Grey,  
&c. &c.

I have, &c.,  
(Signed) EDMUND HEAD.

Sir E. Head to Earl Grey. No. 15, April 7, 1851.

\* Page 71 of Papers relative to the Halifax and Quebec Railway presented to both Houses of Parliament by Command, 8th April 1851.

1851

PROJECTED RAILWAY FROM HALIFAX TO QUEBEC. 25

Enclosure 1 in No. 4.

NEW BRUNSWICK. Encl. 1 in No. 4.

To his Excellency Sir EDMUND W. HEAD, Bart., Lieut.-Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c.

The Petition of ADAM FERGUSON, CHARLES SIMONDS, PETER TAYLOR, CHIPMAN BOTSFORD, GEORGE MOFFATT, and GEORGE B. COWPER,

RESPECTFULLY SHOWETH,

THAT your Petitioners were appointed a Committee at a very large and unanimous county meeting held in Dalhousie on the 9th instant, to forward to your Excellency a copy of the Resolutions passed at that meeting, with a request that your Excellency will be pleased to transmit such copy to the Colonial Secretary, and also to advise that Her Majesty's assent be withheld from the Act, passed at the last session of the New Brunswick Legislature, for the furtherance of the "European and North American" and the "St. Andrews and Woodstock" railways.

Your Petitioners therefore humbly pray that your Excellency will be pleased to carry out the wishes of your Petitioners, and of the meeting at which they were appointed.

And as in duty bound will ever pray.

(Signed)

A. FERGUSON.  
CHARLES SIMONDS.  
P. TAYLOR.  
CHIPMAN BOTSFORD.  
GEORGE MOFFATT.  
GEORGE B. COWPER.

Restigouche, May 12, 1851.

Enclosure 2 in No. 4.

Encl. 2 in No. 4.

AT a large and influential county meeting convened by the high sheriff, pursuant to a requisition numerously signed, to take into consideration the late proposition of the Colonial Secretary with respect to the Halifax and Quebec Railway, and the action of the New Brunswick Legislature thereupon, held at the Court-house in Dalhousie, the shire town of the county of Restigouche, in the province of New Brunswick, on Friday the 9th day of May, 1851, Alexander Campbell, Esq., J. P., was called to the chair, and George B. Cowper, Esq., appointed secretary; when the chairman having explained the object of the meeting, the following resolutions were unanimously agreed to:—

Moved by ADAM FERGUSON, Esq., J. C. P.  
Seconded by DAVID SADLER, Esq.

1st. *Resolved*—That the construction of a trunk line of railway from Halifax to Quebec would be in the highest degree beneficial to the British North American possessions. That the advantages accruing from such an undertaking would not be limited to anticipated commercial prosperity, but its accomplishment would necessarily be a means of strengthening and perpetuating the bond of union between these provinces and the parent State, and of opening up a rich and fertile country as a home for its surplus population.

Moved by CHIPMAN BOTSFORD, Esq.  
Seconded by ALEXANDER FRASER, Esq., J. P., (Canada East).

2nd. *Resolved*—That this meeting view with great regret and distrust the hasty rejection by the Legislature of this province of the terms proposed by Her Majesty's Colonial Secretary to advance the required capital for such undertaking, for the following, among other reasons:—

1. That the continuation of a trunk line from near Shediac (the contemplated junction of the "Portland" and "Halifax and Quebec" lines) to the Restigouche, although about the same length as that part of the proposed "Portland" line from said junction to the State of Maine, yet it can be made at much less expense, owing to the natural advantages of the country through which it will pass; that therefore the interest of the capital which will be required to complete the latter line as at present contemplated, would be more than the interest upon capital sufficient to complete both lines under Earl Grey's proposition, the most favourable terms upon which capital can be obtained under the present provincial guarantee for the "Portland" and "St. Andrew's" lines, being at six per cent., with a further probability of the debentures being hereafter at a discount in the money market.

2. That from the hasty rejection by the Legislature of Earl Grey's proposition, by which the permanent advancement and interest of the province have been so far sacrificed, this meeting is led to believe in the rumours that many of the Legislators, from being shareholders in the "Portland" and St. Andrew's" lines, have been influenced by other motives than the general welfare of the province.

3. That this hasty rejection of the offer made by the Colonial Secretary, and the reguarantee by the Provincial Legislature of their former pledge (which was not entertained by the British Government) thereby virtually closing all further negotiation, may be very injurious to the future interests of the province, by leading to a determination on the part of the Home Government to withhold any offer in future, or even to carry out the late proposition of the Colonial Secretary with respect to the Great Trunk Railway.

4. That the continuation of the Trunk line through this province will open up an immense extent of ungranted lands of superior quality, and so enhance their value as to repay the outlay

NEW  
BRUNSWICK.

for its construction, and by inducing immigration to a great extent will double both the population and revenue of the province in a short time.

Moved by CHARLES SIMONDS, jun., Esq.

Seconded by GEORGE B. COWPER, Esq.

3rd. *Resolved*—That the only guarantee for the proper expenditure of the money for building the Great Trunk line will be in the appointment of Commissioners under the authority of the British Government to superintend the same, who will be wholly disinterested in the road being laid elsewhere than on a line most beneficial to all the colonies; the combined interest in the Provincial Legislature of the "Portland" and "St. Andrew's" lines, tending to have a most prejudicial influence not only against provincial but also British interest with respect to the selection of a proper route. That these combined interests, in the event of Her Majesty's assent being given to the Bills passed at the last session of the Provincial Legislature, providing for the building of the "Portland" and St. Andrew's" lines, will, without doubt, have a much greater effect in swamping the whole provincial revenue in future, for the exclusive benefit of only a section of the province, than the late proposition of Earl Grey, even if accepted in its most literal sense.

Moved by Dr. TAYLOR.

Seconded by CHARLES SIMONDS, jun., Esq.

4th. *Resolved*—That it is an injurious and ruinous policy to grant large tracts of Crown lands to railway companies, as these lands during the construction and after the completion of the roads will be the most valuable resources within the province. That all great public works, such as the Halifax and Quebec line of railway, should be Government undertakings, and not in the hands of private companies; and further resolved, that a committee be appointed to prepare and forward a petition to the Lieutenant-Governor, with a copy of the resolutions, praying that his Excellency will be pleased to transmit such copy to the Colonial Secretary, and to recommend to his Lordship the necessity of the Royal assent being withheld from the Bills passed at the last session of the New Brunswick Legislature, in aid of the "European and North American" or "Portland," and the "St. Andrew's" or "Woodstock" lines.

Moved by Mr. CHARLES MURRAY.

Seconded by DANIEL FERGUSON, Esq.

5th. *Resolved*—That the able and unwearied exertions of the Hon. Joseph Howe in bringing the condition and resources of the British North American Colonies so clearly before the Home Government and British public, and in advocating the interests of the Great Trunk Railways, deserve the most unqualified approbation of all colonists, and this meeting desire to express their sincere thanks to Mr. Howe for his valuable services.

6th. *Resolved*—That Adam Ferguson, Charles Simonds, Peter Taylor, Chipman Botsford, George Moffat, and George B. Cowper, Esqs., to be the Committee to carry out the objects of the fourth resolution.

Moved by ARCHIBALD RAMSAY, Esq., J.P.

Seconded by Mr. GEORGE MOFFAT.

7th. *Resolved*—That the secretary do furnish copies of these resolutions to the editors of some of the New Brunswick, Nova Scotia, and Canada newspapers, and also of one of the British papers, with a request for publication in their respective periodicals.

(Signed) ALEXANDER CAMPBELL, Chairman.  
GEORGE B. COWPER, Secretary.

Dalhousie, Restigouche, N. B.,  
May 9, 1851.

No. 5.

(No. 2064.)

No. 5.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

AN ACT further to facilitate the construction of the EUROPEAN and NORTH AMERICAN RAILWAY. Passed 30th April 1851.

I. BE it enacted by the Lieutenant-Governor, Legislative Council, and Assembly, that when the line of railway contemplated by the Act of Assembly, made and passed during the present session of the Legislature, intituled "An Act to incorporate the European and North American Railway Company," shall be surveyed and located, and a sum not less than one hundred thousand pounds shall actually have been expended towards the construction of the said railway, it shall be lawful for the said Company, at their own proper costs and charges, and under the supervision of the Surveyor-General of this province, to survey and lay out all the ungranted Crown lands contiguous to and within five miles of each side of the said line of railway, in lots of one hundred acres or less, as the said Company may think most for the interest of the said Company, which said land so surveyed, or any of them, the Lieutenant-Governor, by and with the advice of the Executive Council, shall be, and he is hereby authorized to grant in fee simple to the said Company, or to any

After a specified progress made in the construction of the Railway, the Company may survey, and Executive Government grant to the Company or their assigns, the Crown Lands contiguous to the Line, to the extent of five miles on each side thereof.

individual stockholder, as the said Company under their seal may direct, free from any charge, save and except the expense of survey as aforesaid: Provided nevertheless, that such lands are to be held on the express condition that unless five per cent. of the actual quantity so to be granted, either to the Company or to individual stockholders, be brought into actual cultivation within five years from the date of the said grants respectively, then the said grants shall become forfeited and the lands revert to, and become reinvested in the Crown as if no such grants had been made: Provided also, that no one stockholder shall receive more than one acre of land for every one pound currency actually paid in by him to the said Company: Provided also, that no Crown lands which may be within five miles of the St. Andrew's and Quebec line of railway, or within ten miles of the proposed line of railway from Halifax to Quebec, shall be by virtue of this Act granted as aforesaid.

NEW  
BRUNSWICK.  
Grants voidable for  
want of improvement.

II. Provided always and be it enacted, that nothing in this Act contained shall extend, or be construed to extend, to prevent the Executive Government from granting licenses to cut logs and timber upon the wild lands coming within the meaning of this Act, or to prevent the Government from granting lands for actual settlement until the actual survey has been made under this Act, or at any time to prevent the Government from making any equitable condition which the Government may deem right in favour of squatters upon such lands on the granting of the same.

Certain Lands  
exempted.

Act not to preclude  
the granting of  
Licenses to cut  
Timber, &c., or grants  
to actual Settlers.

III. And be it enacted that this Act shall be and continue in force for five years from the passing thereof, and no longer.

Limitation of Act.

IV. And be it enacted that this Act shall not come into operation, or be in force, until Her Majesty's Royal approbation thereto be first had and declared.

Act suspended till  
Her Majesty's appro-  
bation be declared.

(Signed) J. B. PARTELOW,  
Private Secretary.

NEW  
BRUNSWICK.Despatches from the Right Hon. Earl Grey,  
Secretary of State.

No. 1.

(No. 259.)

No. 1.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir EDMUND HEAD,  
SIR, Downing-street, May 22, 1851.

\* Page 6.  
† Page 7.

I HAVE to acknowledge the receipt of your Despatches Nos. 15\* and 18,† of the 6th and 7th April, on the subject of the Halifax and Quebec Railway, and I have to direct you to inform the Legislative Council, and the House of Assembly of New Brunswick, that their joint Address to the Queen, and the Resolutions therein referred to, have been duly laid before Her Majesty.

I cannot but express my regret that the Legislature of New Brunswick should not have considered the measure submitted to its notice on this subject, as one which it would be for the interest of the Province to adopt. Under present circumstances the further consideration of the subject must be postponed until I learn what may be the view taken of it by the Legislatures of Nova Scotia and Canada.

Lieut.-Governor Sir Edmund Head, I have, &c.,  
&c. &c. &c. (Signed) GREY.

No. 2.

(No. 269.)

No. 2.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir EDMUND HEAD,  
SIR, Downing-street, June 12, 1851.

\* Page 9.

No. 2061.

No. 2062.

No. 2063.

June 2, 1851.

I HAVE to acknowledge the receipt of your Despatch, No. 16,\* of the 7th April, transmitting certified copies of three Acts passed by the Legislature of New Brunswick in its last session, entitled respectively, "An Act to incorporate the European and North American Railway Company." "An Act to facilitate the construction of the European and North American Railway," and "An Act to facilitate the construction of a railway from St. Andrew's to Quebec."

Having referred these Acts for the consideration of the Commissioners of Railways, I have received from these officers a report, of which I now transmit you a copy for your information.

Although it would appear that the most important of these Acts (that numbered 2061) is in some respects defective, I do not consider it necessary to recommend its disallowance on account of the imperfections pointed out by the Commissioners. I trust that without doing so, and thus delaying the commencement of the work, a sufficient opportunity for reconsidering the subject will be secured to the Legislature of New Brunswick by my deferring to submit the Act numbered 2062 for Her Majesty's confirmation. By this Act it is proposed that pecuniary assistance from the Colonial Treasury to a very considerable amount should be given to the Company to enable them to construct the proposed railway. To this I have no objection, on the contrary, I believe that in the present state of New Brunswick it is consistent with sound policy that assistance should be given by the public towards the construction of the great leading lines of railway, and the particular line now suggested for encouragement is one which I think deserves it, for though it appears to me one of less importance than the projected line from Halifax to Quebec, I regard it as not being calculated at all to interfere with the latter (if properly regulated), but on the contrary, to contribute to its success. But while I am prepared to advise that Her Majesty's sanction should be given to a measure for affording assistance to this line on the principle proposed by the Act now under my consideration, I consider it inexpedient that this should be done until the Legislature shall have had an opportunity of reconsidering the

Act No. 2061, and that the proposed assistance to the Company should only be granted on condition of its assenting to such amendments of this Act as may then be found advisable. I trust that the Legislature will carefully consider all the remarks of the Commissioners, as I consider them to be of much importance, and I fear that the interests of the province may hereafter be exposed to serious injury if the amendments in the Act, which are suggested, are not now made; but there are only two of these amendments on which, as affecting the interests of the empire at large as distinguished from those of the province alone, I consider it necessary to insist before Her Majesty can be advised to sanction the grant of pecuniary assistance to the Company. The two amendments which I consider to be indispensable are those pointed out by the Commissioners as being required to secure the use on fair terms for the traffic between Halifax and Quebec of that part of the line of railway now proposed to be constructed which will be common to the two lines; and secondly, the conveyance of Her Majesty's troops and stores for their use along the line at reasonable rates of charge.

I am not as yet enabled to express a positive opinion whether the Act No 2063 ought to be confirmed; this question is still under consideration, but I hope to have it in my power to inform you, by an early opportunity, what decision may be adopted with respect to it. In conformity with what I have now stated, the Act No. 2061 will be submitted to Her Majesty on the first opportunity, in order that it may be left to its operation. The Acts Nos. 2062-63 will not be laid before the Queen for the present.

I have, &c.,  
(Signed) GREY.

Lieut.-Governor Sir Edmund Head, &c. &c. &c.

Enclosure in No. 2.

Encl. in No. 2.

Office of Commissioners of Railways,  
Whitehall, June 2, 1851.

SIR,

I AM directed by the Commissioners of Railways to acknowledge the receipt of your letter of the 24th ultimo, enclosing copies of three Acts passed by the Legislature of New Brunswick, entitled respectively (No. 2061), "An Act to incorporate the European and North American Railway Company," and (No. 2062), "An Act to facilitate the construction of the European and North American Railway," and (No. 2063), "An Act to facilitate the construction of a Railway from St. Andrews to Quebec;" and I am to acquaint you in reply, for the information of Earl Grey, that, agreeably to his Lordship's request, the Commissioners have taken these Acts into their consideration and have made the following observations upon their provisions.

By the Act No. 2061, it is proposed to incorporate a Company for the purpose of making a Railway which in Section 3 is described as "A Railway to run from some point or place from the eastern boundary of the province of New Brunswick in the county of Westmoreland, so as best to connect with a Railway to be constructed from the city of Halifax, or some other part on the eastern coast of the province of Nova Scotia on the Atlantic Ocean, over the most practicable route through the province of New Brunswick so as best to connect with a Railway to be constructed from the city of Bangor, in the United States of America, to the eastern part of the State of Maine."

It appears probable that the direction of a considerable portion of this line, near the eastern boundary of New Brunswick, will coincide with that of the projected Railway from Halifax to Quebec, the construction of which has already engaged the attention of Earl Grey, as an undertaking calculated to promote the interests both of the colonies and the mother country, and therefore entitled to encouragement and assistance on the part of Her Majesty's Government.

It appears from Mr. Hawes' letter to Mr. Howe, of the 10th March, 1851,\* that one of the conditions of affording that assistance would be, that the proposed Railway should be an entire line from Halifax to Quebec, passing wholly through British territory; but it would not be considered an objection to the plan, that it included a provision for establishing a communication between the Railway and the Railways of the United States. The above mentioned portion of the Railway proposed in the present Act might therefore form part of the main line of the Halifax and Quebec Railway. And as it would be expedient that the whole of that line should be under the same management, the Commissioners suggest that it might be advisable to stipulate with the Company incorporated by this Act, that, in the event of arrangements being made for the construction of the Halifax and Quebec Railway through this part of the province of New Brunswick, it should be obligatory on the Company to transfer the common portion of the line to the parties entrusted with the construction of the Halifax and Quebec Railway, for a

\* See Correspondence relating to the Civil List and Military Expenditure of Canada; and to the projected Railway from Halifax to Quebec. Presented by Command, April 8, 1851.

NEW  
BRUNSWICK.

sum equivalent to the outlay incurred by the Company in making that portion of the line; and, with this view, that the accounts relative to its construction should be kept in such a manner as to afford the means of apportioning the outlay accordingly.

The Commissioners proceed to consider certain provisions of this Act, which appear to them to call for remark.

In the 1st section, provision is made for submitting the Company's bye-laws to the Governor of the province for his approval; but no power is reserved (as in the Imperial Act for the regulation of Railways 3 and 4 Vict. c. 97, s. 9) of disallowing the bye-laws at any future time after they shall have come into operation. And this power appears to be necessary for the completeness of the controul over the bye-laws intended to be vested in the Governor, who would otherwise have no power of suspending the operation of a bye-law that was found to be objectionable.

By section 5, the Directors are authorized, until the Railway is completed, to pay interest to the shareholders on the amount of the calls paid up by them. In former Reports on New Brunswick Railway Acts, containing a similar provision, the Commissioners took occasion to observe, that provisions of this kind were at one time frequently inserted in English Railway Acts; but in the Session of 1847 a resolution was passed by both Houses of Parliament (which has since been adopted as a Standing Order) requiring the insertion in every Railway Bill of a clause prohibiting the payment of interest out of capital; and it might therefore be worthy of consideration whether the reasons that led to that resolution were equally applicable to the colony.

By section 28, it is provided that the Act shall not be revoked, altered, or amended without the consent of the Company. This is inconsistent with the first recommendation in Mr. Secretary Gladstone's Circular Despatch of the 15th of January, 1846, and the clause there referred to as proper to be inserted in all Colonial Railway Acts, viz.:—"That nothing herein contained shall be construed to except the Railway by this Act authorized to be made from the provisions of any general Act relating to Railways which may be passed during the present or any future session of Parliament." A clause of this kind is invariably inserted in English Railway Acts.

Section 38, after providing for the level crossing of roads, authorizes the Company, "if they shall deem it more conducive to the public safety" to substitute a bridge over or under the Railway for the level crossing. The Commissioners would suggest that a matter of so much importance to the public should not be left entirely to the discretion of the Company, but that power should be reserved to the Governor of the province, or some other public officer, of requiring the Company to make the alterations which the increase of traffic on the roads, arising from that on the Railway, may hereafter render necessary, although at present a level crossing may be allowed without danger.

Section 55 gives the Company the power of levying tolls for the conveyance of passengers and goods. But the Act does not provide any scale of maximum charges for such conveyance. And this defect does not appear to be remedied by the power of revising the tolls, and the option of purchasing the railway reserved to the Government by the 55th and 57th sections.

The exercise of those powers is dependent upon the event of the Company's profits exceeding a certain rate per cent. on their capital. In former communications addressed to the Colonial Office, the Commissioners have stated that, although such provisions may have been introduced into Colonial Railway Acts for the purpose of thus intimating the possibility of future revision and purchase, yet, in their opinion, it may be questionable whether they can have any other practical effect.

The provisions in section 61, with respect to the conveyance of troops, appear to be defective in not specifying the terms and conditions of conveyance, as provided by the corresponding enactments of the Imperial Act, 7 and 8 Vict. c. 85, s. 12.

The 59th section adopts the provisions of the 13th section of the Imperial Act, 7 and 8 Vict. c. 85, with regard to the power of the Government to establish a line of electrical telegraph on the Railway, but does not contain any clause similar to the 14th section of that Act, for providing that the telegraph, subject to the prior right of use by the Government, shall be open to all persons, without favour or preference, and at equal charges.

In the absence of any general legislation on the subject of railways in this colony, it is necessary that every New Brunswick Railway Act should comprise within itself the whole of the provisions that may be considered requisite for the protection of the public interests. Provision is made by the present Act for the conveyance of mails and troops, for laying down an electrical telegraph on the line of the railway, and for making returns of traffic and accidents. But of the other matters which in this country have been made the subject of general legislation, with a view to the public safety and convenience, the Commissioners would particularly observe that the Act does not contain any provisions similar to those of the Imperial Acts relating to cheap trains, the appointment of inspectors, and the opening of the railway after notice and inspection, and the construction of bridges over roads.

The Commissioners are desirous to draw the attention of Lord Grey to these variations from the course pursued in legislating upon railways in this country, leaving it as a matter entirely for his Lordship's consideration what degree of importance is to be attached to them with reference to the local circumstances of the colony, and whether any correction may be called for in the way of supplementary legislation.

The object of the Act No. 2062, is to afford the Company incorporated by the first Act the aid of the public credit of the colony in raising part of the money required for making the railway. This is proposed to be done by authorising the Governor of the province, as soon as the shareholders have paid up capital to the amount of 10,000*l.*, to take shares in the Company to the like amount, and pay for them in debentures for that amount, the payment of the interest and principal due on such debentures being guaranteed out of the revenue of the

province. Similar issues of debentures are authorised when further payments of 10,000*l.* have been made by the shareholders, the whole amount of the guarantee being limited to the principal sum of 250,000*l.* A project which thus throws itself upon the public for assistance in raising so large a part of the funds required can hardly hold out any very inviting prospects as a commercial speculation. This circumstance obviously places the Company in a situation that affords an opportunity of making stipulations with them on behalf of the public with regard to the modification of the provisions of their Act, and for arrangements adapted to render the project subservient to the more important undertaking of the great line from Halifax to Quebec, and to prevent the aid solicited in the present Act from interfering with any engagements entered into by the colonial Governments with respect to their several contributions to the expense of making that line.

By the remaining Act, No. 2063, it is proposed to authorise similar assistance on the part of the colonial treasury to the St. Andrew's and Quebec Railway Company: but the guarantee is to come into operation when no more than 2,000*l.* has been paid up by the shareholders, the whole principal sum guaranteed being limited to 50,000*l.* Other Acts, as the Commissioners are informed, have already been passed for the purpose of giving encouragement to this undertaking, both by the free grant of Crown land and the guarantee of interest on advances of money. As far, therefore, as relates to the conditions upon which the further assistance now sought for might be granted, the observations that have been made on the Act No. 2062 appear to apply with nearly equal force to that at present under consideration.

I have, &c.,

(Signed) J. L. A. SIMMONS,  
Captain Royal Engineers.

Herman Merivale, Esq.,  
&c. &c.

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