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# NEW BRUNSWICK RAILWAY ACTS.

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An Act relating to the European and North American Railway Company.

An Act to authorize the construction of Railways in this Province.

An Act to provide Funds for the construction of Railways.

An Act relating to Lands required for Railway purposes.

An Act to levy an Impost for Railway purposes.

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J. SIMPSON, QUEEN'S PRINTER.

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CAP. XIV.

An Act relating to the European and North American Railway Company.

Section.

1. Government may accept transfers from the Contractors and the European and North American Railway Company.
2. Certain Debentures may be delivered to the Contractors.
3. Authority to issue the Debentures.

Section.

4. Revenues made chargeable for the Debentures.
5. Authority to compensate the Stockholders of the European and North American Railway Company.
6. Assent of the Company to cancel the contract, to be had.

*Passed 12th April 1856.*

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

1. The Governor in Council may accept, for the use of the Province, a transfer and assignment from the contractors for constructing that portion of the European and North American Railway, lying between the City of Saint John and Shediac, of all the work, iron, plant, rolling stock, and materials, either on the road, or elsewhere in the Province, with the surveys, plans, and sections of the line north and west, and a transfer and assignment from the European and North American Railway Company, of all the lands, site of the road, and other property of the Company; the transfer and assignment from the contractors to be made to such person or persons as the Governor in Council may appoint to receive the same, and the transfer and assignment from the Company to be made to the Queen.

2. On or after the delivery of the property, materials, and things mentioned in the first Section of this Act, and the delivery to the said European and North American Railway Company of all the Company's Bonds paid to the contractors on account of their contract, the Governor in Council may cause to be paid to the contractors the sum of forty six thou-

sand eight hundred pounds sterling in Provincial Debentures redeemable in thirty years, payable with interest at the rate of six per centum per annum, in addition to the sum of forty three thousand two hundred pounds sterling which has been already paid to them; such payment to be made as of the first day of June in the year of our Lord one thousand eight hundred and fifty six.

3. The Governor in Council may issue the Debentures for the payment of the sums heretofore mentioned, in such form and manner as may be deemed advisable.

4. The Revenues of this Province shall be charged with the payment of the interest and redemption of the principal of all such Debentures as are issued under the authority of this Act.

5. The Governor in Council may make such compensation to the stockholders of the European and North American Railway Company as may be deemed equitable.

6. Before any transfer of the work done on the European and North American Railway, the assent of the Company to the cancelling of the contract made for construction of the road between Saint John and Shediac, shall be first had.

## CAP. XV.

### An Act to authorize the construction of Railways in this Province.

Section.	Section.
1. Railways under this Act to be Provincial works.	10. General authority to do lawful acts.
2. Lines to be constructed defined.	11. Recovery of penalties.
3. In what order to be constructed.	12. Arrangements for working Railway, when and how to be made.
4. Management to be in five Commissioners.	13. Contracts and proceedings of Commissioners, inspection of.
5. Commissioners to proceed by Tender and Contract.	14. Salaries of the Commissioners.
6. Contracts to be guarded by certain securities.	15. Annual expenditure limited.
7. Chief Engineer and other officers; appointment.	16. Accounts to be audited and laid before the Legislature.
8. Payments to Contractors, on what dependent.	17. Entry on lands reserved for Naval or Military purposes.
9. Offices which Members of the Legislature may not hold.	18. Chairman may do what the Commissioners may.

*Passed 12th April 1856.*

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

1. The lines of Railway to be constructed under the provisions of this Act, shall be Public Provincial Works, and shall be made on such grades as the Governor in Council shall determine, as best adapted to promote the public interests.

2. The lines to be constructed shall be a line from Saint John to Shediac, and also from Saint John to the State of Maine, with extensions to Woodstock via Fredericton, and from some point on the Bend and Shediac line to Miramichi.

3. The line from the Bend of Petitcodiac to Shediac shall be completed first, at the same time the two extensions shall be surveyed; when that portion of the line from Shediac to the Bend of Petitcodiac is completed, the line from Saint John to the Bend of Petitcodiac shall be proceeded with, during the construction of which, fifty thousand pounds sterling shall also be expended in construction on each extension, to commence in the year one thousand eight hundred and fifty seven, and the expenditure on the extension to Woodstock to begin at Fredericton and proceed upwards; after which, the line from Saint John to the State of Maine to be proceeded with, and the two extensions shall be proceeded with by an equal annual expenditure on each extension.

4. The construction and management of such Railways shall be under the charge of five Commissioners, any two of whom, with the Chairman, shall be a quorum, to be appointed by the Governor in Council, and to hold office during pleasure, one of whom to be named in the Commission shall be the Chairman, who may sit and vote with the other Commissioners. Not more than one of such Commissioners shall hold a seat in each branch of the Legislature.

5. The Commissioners shall build such Railways by tender and contract, after the plans and specifications therefor shall have been duly advertised, and they may accept the tenders of any such contractors as shall appear to them to be possessed of sufficient skill, experience, and resources, to carry on the whole or such portions thereof as they may be willing to contract for. But where the Commissioners in any case may deem it necessary for the public interest not to accept the

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lowest tender that may be made, it shall not be competent for them to accept a higher tender without the approval of the Governor in Council.

6. The contracts to be entered into shall be guarded by such securities, and contain such provisions for retaining a proportion of the contract moneys to be held as a reserve fund for such periods of time, and on such conditions, as may appear to be necessary for the protection of the public and securing a due performance of the contracts.

7. The Governor in Council may appoint a Chief Engineer and such other Officers as may be deemed necessary, who shall hold office during pleasure, and be under the control and receive their instructions from the Commissioners; the Chief Engineer shall have the general superintendence of the works to be constructed under this Act.

8. No money shall be paid to any contractor until the Chief Engineer shall have certified that the work for or on account of which the same shall be claimed, has been duly and faithfully executed, nor until such certificate shall have been approved of by the Commissioners.

9. No Member of the Legislature shall hold or be appointed to any office of emolument under the Commissioners, or be a contractor or party to any contract for the construction, management, or working of the road, or any part thereof.

10. The Commissioners shall do all other lawful acts necessary for making, maintaining, altering or repairing, and using the Railway, and make regulations for the safe construction and working of the Railway under their charge, for the transmission of goods and passengers thereon, for their care and management and that of the plant and equipment used thereon, for the protection of the wharves, bridges, culverts, crossings, stations, buildings, and depots, erected or to be erected, and all other the property in the possession and under the control of the Board, and in such regulations to fix fines and penalties not exceeding twenty pounds for any breach thereof; such regulations shall, before they go into operation, be approved of by the Governor in Council.



11. Penalties prescribed by the Board, under the authority of this Act, may be sued for and recovered in the manner provided by the thirty second Section of Chapter 161, of Title XLI, of the Revised Statutes, in the name of the Chairman of the Board, and when recovered shall be paid into the Province Treasury, and accounted for in the same manner as other public moneys.

12. Whenever the Railways or any portion thereof shall be completed, the Governor in Council may make such arrangements for working them as may be deemed necessary; such arrangements to be submitted to both Branches of the Legislature at the Session then next ensuing.

13. The Governor in Council may inspect all contracts and proceedings of the Commissioners, examine their Accounts at all times, and if deemed necessary, suspend the progress of the works or any part thereof.

14. The Salary of the Chairman shall be five hundred pounds currency per annum, and each Commissioner two hundred pounds currency per annum; and the Governor in Council may affix the Salaries of all other officers.

15. No greater sum than at the rate of two hundred thousand pounds sterling per year shall be expended under the authority of this Act.

16. The Commissioners shall furnish Accounts of the expenditure whenever required by the Governor in Council, and Quarterly Accounts of all expenditures, liabilities, and receipts, which shall be audited by the Auditor General and laid before the Legislature within ten days after the opening of the Session.

17. Nothing in this Act contained shall authorize the Commissioners or contractors to enter upon any lands reserved for Naval or Military purposes without the consent of Her Majesty.

18. Any thing authorized or directed to be done by the Commissioners in the construction of works under this Act, may be done by the Chairman.

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## CAP. XVI.

## An Act to provide Funds for the construction of Railways.

## Section.

1. Loan may be contracted on pledge of Revenues.
2. Authority to issue Debentures.
3. Sinking fund for the redemption of the Loan.
4. Faith and credit of the Province pledged.

## Section.

5. Receipt, payment, and accounts, how to be managed.
6. Effect to be given to agreements authorized by the Governor in Council.
7. Accountants to render quarterly accounts.

*Passed 12th April 1856.*

WHEREAS an Act has passed during the present Session of the Legislature to authorize the construction of Railways in this Province, and it is necessary to provide the funds required therefor ;—

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

1. The Governor in Council may contract a loan on the pledge of the Revenues of the Province, whether arising from the duties upon imports, the sale of Crown Lands, the export duty on timber and other lumber, the royalty derived from mines and minerals, or the tolls to be collected on the Railways constructed with the money borrowed under this Act ; which money so borrowed shall not exceed the rate of two hundred thousand pounds sterling per year.

2. Certificates of Debt, to be called Debentures, payable in sterling money, to be numbered consecutively, commencing with number one, with coupons annexed, bearing interest at six per cent., payable semi-annually at such place as shall be specified therein, may be issued from time to time as the Railways proceed, in such form, verified and authenticated in such manner, payable in such periods, in such amounts not less than one hundred pounds each, and on such conditions as the Governor in Council may prescribe ; the principal of such Debentures to be paid in full after the expiration of thirty years to the holders thereof.

3. A sum equal to one and a half per cent. interest upon the whole sum borrowed for the construction of Railways, to be deducted from the profits of the said Railways, together with the proceeds of the sale of all the Crown lands and timber

of the Counties through which the road passes after the completion of any section thereof, subject to any charge on such proceeds for the Civil List, shall form a surplus or sinking fund for the final redemption of the loan, and to be appropriated to the extinguishment thereof.

4. Subject to the payment of the Civil List, and of any previously existing liability, the faith and credit of the Province, and the ordinary revenues thereof, derived from all sources, and the proceeds of any special impost now or hereafter levied and collected for the purpose of paying Railway Debentures, or the interest thereon, together with any Railway constructed by the loan hereby authorized, shall be and hereby are declared pledged to any and every holder of the same.

5. The principal sums to be raised and borrowed shall be received and paid out as other public moneys are, in defraying the charges made payable by this Act, or any other Act relating thereto; and the account of the moneys raised by the authority of this Act, and the expenditure thereof, shall be kept with such Bank or Banks, and the fund shall be paid and managed in such manner for the redemption and liquidation of the principal sum, as the Governor in Council shall prescribe.

6. The Legislature of the Province will by Law confirm and give full effect to any agreement which may be made or authorized by the Governor in Council, not inconsistent with the spirit of this Act, or of any other Act in relation thereto, with regard to the raising and borrowing of the sums aforesaid, and the keeping of the accounts, the management of the sinking fund, and the payment of the debt.

7. The proper accounting party shall quarterly transmit to the Governor, for the purpose of being audited and laid before the Legislature, a correct and detailed statement and account of the sums raised under the authority of this Act, and of the Debentures which shall have been issued, and of the interest and dividend paid thereon, and of the redemption of the whole or any part of the principal sum, and of the expense attending the negotiation, management, and redemption of the loan.

## CAP. XVII.

## An Act relating to Lands required for Railway purposes.

## Section.

1. Authority to take possession of lands for the track.
2. Authority to enter on lands to deposit and take materials, &c.
3. Authority to construct temporary or permanent works.
4. Course of rivers or other waters may be altered.
5. Conduits or drains may be formed.
6. Appraisers to be appointed.
7. Proceedings before Appraisers.

## Section.

8. Claims to be in writing.
9. Discharges and valuations of lands of corporate bodies, &c.
10. Benefits to be considered in appraising.
11. Appraisements to be by a majority.
12. Appraisements, transmission and payment of.
13. Remuneration of Appraisers.
14. Fences to be kept along the line.
15. Consent in case of Naval and Military lands.

*Passed 12th April 1856.*

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

1. The Commissioners for the management and construction of Railways, appointed under the authority of an Act passed during the present Session of the Legislature to authorize the construction of Railways in this Province, or any of them, by themselves and by their servants, are authorized to enter upon and take possession of any lands required for the track of the Railways, or for Stations; and they shall lay off the land by metes and bounds and record a description thereof in the Registry of Deeds for the County in which the lands are situate, and the same shall operate as a dedication to the public of such lands; the lands so taken shall not be more than six rods in breadth for the track, exclusive of slopes, of excavation and of embankments, except when it may be deemed advisable to alter the line or level of any public or private carriage road, or divert any stream or river, in which case it shall be competent for the Commissioners to take such further quantity as may be found necessary for such purposes; also at each Station a sufficient extent for Depot and other Station purposes; but for any Depot or Station the quantity so appropriated shall not exceed five acres.

2. The Commissioners, by themselves and by their servants, and the Contractors with authority from the Commissioners, may enter with workmen, carts, carriages, teams, horses and oxen upon any lands, and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood, or other materials found

on the line of Railway, or works connected therewith, and for the purpose of surveying and locating the said Railway, and for the purpose of digging up, quarrying and carrying away earth, stones, gravel, or other material, and cutting down and carrying away tress, bushes, logs, poles, and brushwood therefrom, for the making of such Railway, or for the purpose of cutting down trees in the wilderness lands which may be liable to fall on said Railways, and are standing within six rods thereof, with right of ingress, egress, and regress into and upon the adjoining land for the purpose of repairing and preventing such accident, and to do such work as may be necessary, but that such works shall be as little injurious to the adjoining land as the nature of the operations will admit of, and shall be executed with all possible dispatch.

3. The Commissioners may make or construct in, upon, across, under and over any lands, streets, hills, vallies, roads, railroads, or tramroads, canals, rivers, brooks, streams, lakes, or other waters, such temporary or permanent inclined planes, embankments, cuttings, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, or works as they may deem necessary for Railway purposes.

4. The Commissioners may alter the course of any river, canal, brook, stream, or water course, and divert or alter as well temporarily as permanently the course of any such rivers, streams of water, roads, streets, or ways, or raise or sink the level of the same, in order to carry them over or under, on the bed of or by the side of the Railway, as they may think proper.

5. The Commissioners shall have power to make conduits or drains into, through, over or under any lands adjoining the Railway, for the purpose of carrying water from or to the Railway.

6. The Governor in Council may appoint not less than three persons to be Appraisers, for ascertaining and settling all disputes and difficulties relative to the payment for land and materials, or any claim for damages occasioned by the construction of any Railway constructed under the authority of the Board of Railway Commissioners, who shall be sworn to

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the faithful and impartial discharge of their duties before the Clerk of the Peace of any County in the Province, who is hereby authorized to administer the said oath, and forthwith transmit a certificate thereof to the Provincial Secretary.

7. Whenever a proprietor claims payment for lands, or damages done thereto by the Commissioners or any person acting under their authority, under the provisions of the first five Sections of this Act, and he cannot agree with the Commissioners upon the price to be paid therefor, such proprietor or Commissioners may apply to the Appraisers, who shall, after ten days notice in writing to the Commissioners or their Chairman, and such proprietor, his representatives or assigns, examine the site of the said Railway and lands entered upon, and assess the damages.

8. Every claim for damages shall be made in writing, and within six months from the entry on the said lands.

9. If any land or property be taken for Railway purposes, the property of any body corporate, guardians, committees, executors, administrators, or other trustees whatsoever, held for or on behalf of those whom they represent, whether corporations, infants, idiots, lunatics, feme 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 they shall agree and settle with the said Commissioners for damages, if any, by reason of taking such land or property; in case of disagreement, the damages to be settled by the Appraisers as is prescribed in the seventh Section of this Act.

10. The Appraisers, in assessing the damages, shall take into consideration the benefit likely to accrue to the respective proprietors from the Railway running through or near their land, and the damages shall be reduced or extinguished accordingly.

11. The appraisement shall be agreed to and signed by a majority of the Appraisers who may make the appraisement; such majority in no case to be less than two.

12. The Appraisers shall transmit the appraisement to the Governor in Council, who shall direct payment to be immediately made to the person entitled thereto, out of any moneys provided for the construction of Railways.

13. The Governor in Council shall determine the amount of remuneration to be paid to the Appraisers for their services.

14. The Commissioners shall erect and maintain sufficient fences along the line of Railway, where the public security may require the same, or where the safety of the proprietors through whose improved and cleared lands the Road may pass, require such protection from the working of such Railways.

15. Nothing in this Act contained shall authorize the Commissioners or contractors to enter upon any lands reserved for Naval or Military purposes, without the consent of Her Majesty.

### CAP. XVIII.

#### An Act to levy an Impost for Railway purposes.

Section.

1. Duty of 2½ per cent. on imports granted.
2. Payment and collection of duty, by whom and how.

Section.

3. Appropriation of money raised.
4. Separate account to be kept.
5. Exemptions from duty.

*Passed 12th April 1856.*

We, Her Majesty's dutiful and loyal subjects, the Assembly of New Brunswick, in General Assembly convened, for the raising the necessary fund to assist in providing for the interest of Debentures issued for the purpose of constructing Railways in this Province, have freely resolved to give and grant to the Queen's Most Excellent Majesty, the several rates and duties hereinafter mentioned, and do therefore pray Your Excellency that it may be enacted;

Be it therefore enacted by the Governor, the Legislative Council, and Assembly, as follows:—

1. On and after the passing of this Act, there shall be granted to the Queen, for the use of the Province, towards defraying

the interest on any loan effected for the construction of Railways, and on all Debentures issued for Railway purposes, upon all goods, wares, merchandise, chattels, and things not specially herein excepted, brought into the Province, whether from any part of the British Empire or Foreign place, or which may be saved from any wrecked or stranded vessel, a duty of two pounds ten shillings for every hundred pounds of the true and real value thereof, and at the like rate for any greater or less sum.

2. The duties herein imposed shall be paid by the importer or importers thereof respectively, and shall be held and taken to be in addition to any duties which are or may be imposed and collected by any Act of the General Assembly of the Province now or hereafter in force, and shall be collected and secured by means, and under the regulations and penalties, and shall be drawn back on exportation, or warehoused in the manner provided by any law in force at the time for the collection and protection of the Revenue.

3. The moneys raised by this Act shall be appropriated towards the payment of the interest of any loan obtained for Railway purposes, and of the interest of any Debentures issued by the Government of the Province for work done on Railways.

4. The Treasurer shall in each and every year collect and retain in a separate and distinct fund all moneys collected under the authority of this Act.

5. The articles specified in the Schedule to an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled "An Act for giving effect on the part of the Province of New Brunswick to a certain Treaty between Her Majesty and the United States of America;" and any articles the growth or produce of any British Colony or other country which are or may be exempted by law, or Proclamation under the authority of law, and the baggage, apparel, household effects, the working tools and implements used and in use of persons or families arriving in the Province, if used abroad by them, and not intended for any other person or persons, or for sale, and carriages of travellers not intended for sale, shall and are hereby declared to be exempt from duty under this Act.



