

deficient; which Warrant the Treasurer of the Province is hereby required to pay in the regular course out of the monies then in the Treasury, or as payments may be made at the same; provided always, that unforeseen casualties, by which temporary suspensions of the traffic of and travelling on the said part of the said contemplated Rail Road, not involving neglect on the part of the said Company, shall not be deemed sufficient to authorize the persons so appointed as aforesaid to withhold their certificate, and thereby prevent the payment of the sum necessary to make up such deficiency as aforesaid that may occur in the year in which the casualties may take place; it being the true intent and meaning of this Act, that the said Company shall realize and receive as a clear profit, arising from the net profits, or from the net profits and sum to be paid by the Province jointly; a rate of interest equal to five per centum on such capital sum not exceeding one hundred thousand pounds, as may be invested in the said part of the said contemplated Rail Road, and its said Branches, during each and every year, not exceeding ten years in the whole, that the said part of the said contemplated Rail Road shall be in efficient operation as aforesaid.

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

Act suspended until Her Majesty's approbation be declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 20th day of May, 1847, and published and declared in the Province the 23d day of June, 1847.]

### CAP. LXXXV.

An Act to facilitate the making of a Railway across the Isthmus which connects the Provinces of New Brunswick and Nova Scotia, to open the communication between the Waters of the Gulf of Saint Lawrence and the Bay of Fundy.

Passed 14th April 1847.

**W**HEREAS the facilities for travelling and the transportation of merchandise afforded by Rail Roads are necessary to the development of the commercial resources of the Province: And whereas private Companies, organized for the purpose of constructing Rail Roads, are entitled, by the public advantages accruing from their labours, to Legislative encouragement; and the Company incorporated by an Act of the General Assembly made and passed during the present Session, intituled *An Act to incorporate the Chignecto Railway Company*, is desirous to proceed immediately to construct the Railway aforesaid;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, 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 he is hereby authorized and empowered to grant unto the Chignecto Railway 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 across the Isthmus which connects the Provinces of New Brunswick and Nova Scotia, and the Branches connected with the said Railway, its several station houses and depots, and for fuel for the use of the engines, station houses and depots belonging thereto, and the said Branches, to dig for, 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.

Right granted to enter on the Crown Lands on the route of the Railway, and also to take fuel and materials for its use.

II.

Certain portions of Crown Lands to be granted for the Rail Road track and depots.

II. 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 at distances from each other not less than five miles, as may be necessary, and the said Company may select and determine.

Grants and privileges to revert, if the Rail Road be not completed within ten years.

III. 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 revest in Her Majesty, as fully as if no grant had been made or rights and privileges conferred.

Faith of the Province pledged to make up any deficiency in an annual profit of 5 per cent. on capital not exceeding £25,000.

IV. 'And in order to encourage the investment in the said undertaking of private capital;' Be it enacted, That from and after the time when the said contemplated Railway shall be completed and in efficient operation, with substantial and sufficient locomotive cars, carriages, and other vehicles propelled by steam, for the accommodation of passengers and the transportation of merchandize, the faith and credit of this Province shall stand pledged to the said Company to make up and pay any deficiency of the clear profits arising from the traffic of merchandize and passengers, and otherwise, on the said contemplated Railway, and the said Branches, whereby the said Company may realize a less annual profit or interest than five per centum on such capital sum, not exceeding twenty five thousand pounds, as may be invested in the said undertaking.

Authority given to issue a Warrant on the Treasury, on a certificate of deficiency.

V. And be it enacted, That when and for each and every year during the continuance of this Act, not exceeding ten years, that it shall be certified by persons appointed for that purpose by His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent aforesaid, that the said contemplated Railway has been in efficient operation as aforesaid, for the period of one year from the date of its being finally opened, or from the date of the next previous certificate in each year after the first year, and that for the year for which the certificate is granted the whole net proceeds and earnings of the said Company from the said traffic on the said contemplated Railway, after all actual and necessary contingent and annual expenses have been deducted, are insufficient to cover and pay the said annual profit or interest of five per centum on the capital sum, not exceeding twenty five thousand pounds, invested as aforesaid, and are deficient in a certain sum to be specified in the certificate of the persons to be appointed as aforesaid, it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent aforesaid, to issue a Warrant under his hand and seal, on the Provincial Treasury, for the payment to the said Company of the sum so certified to be deficient; which Warrant the Treasurer of the Province is hereby required to pay in the regular course out of the monies then in the Treasury, or as payments may be made at the same; provided always, that unforeseen casualties, by which temporary suspensions of the traffic of and travelling on the said contemplated Railway, not

not involving neglect on the part of the said Company, shall not be deemed sufficient to authorize the persons so appointed as aforesaid to withhold their certificate, and thereby prevent the payment of the sum necessary to make up such deficiency as aforesaid that may occur in the year in which the casualties may take place; it being the true intent and meaning of this Act, that the said Company shall realize and receive as a clear profit, arising from the net profits, or from the net profits and sum to be paid by the Province jointly, a rate of interest equal to five per centum on such capital sum, not exceeding twenty five thousand pounds, as may be invested in the said contemplated Railway, and its said Branches, during each and every year, not exceeding ten years in the whole, that the said contemplated Railway shall be in efficient operation as aforesaid.

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

Act suspended until Her Majesty's approbation be declared.

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 22d day of July, 1847, and published and declared in the Province the 25th day of August, 1847.*]

### CAP. LXXXVI.

An Act to authorize the granting of a tract of Land, as a Mill Reserve, to the Honorable John Robertson.

Passed 14th April 1847.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That any law, usage or custom to the contrary notwithstanding, it shall and may be lawful for His Excellency the Lieutenant Governor or the Administrator of the Government for the time being, by and with the consent and advice of Her Majesty's Executive Council, by private sale, without auction or public competition, on such terms as they in their discretion may deem reasonable, and at the rate of ten shillings per square mile, to grant to the Honorable John Robertson, of Saint John, Merchant, his executors, administrators or assigns, for a term of five years, and no longer, a certain tract of vacant Crown Lands, as and for a Mill Reserve, situate in the County of Kent, in this Province, and abutted and bounded as follows, that is to say: Beginning at the mouth of Nevers' Brook, Little Fork Stream of Salmon River; thence up said Nevers' Brook, to the line between ranges number sixteen and number seventeen, at a marked maple tree; thence due north four hundred and fifty chains, to a marked spruce; thence due east four hundred and four chains, to a maple; thence south, forty nine degrees east, four hundred and thirty eight chains, to a marked yellow birch; thence south, forty five degrees west, two hundred and eighty chains; thence north, forty five degrees west, eighty chains; thence south, sixty degrees west, two hundred and forty five chains; and thence west one hundred and twenty chains, to the place of beginning; and containing twenty seven thousand acres, be the same more or less; provided that nothing in this Act shall extend or be construed to extend to the granting of any reserve of Crown Lands by private sale under the provisions of this Act the Timber and Logs growing within one mile of the banks of any Streams which empty into the Waters of the Gulf of Saint Lawrence; and provided also, that nothing herein contained shall extend or be construed to extend to authorize the said Honorable John Robertson, his executors, administrators or assigns, to have, hold, occupy and use the said tract of land otherwise than as a reserve for the cutting of Logs for the use of his Mills at Saint John.

See Note  
Governor in Council authorized to grant to the Hon. J. Robertson a described tract of Land, as a Mill Reserve, for the period of five years.