

Anno Decimo Tertio Victoriae Reginae.

CAP. LXIII.

An Act to facilitate the making of a Railway from the Harbour of Shediac to the Bend of Petitcodiac.

Passed 26th April 1850.

WHEREAS it is desirable to hold out every reasonable encouragement for the investment of capital in the construction of a Railway from the Harbour of Shediac to the Bend of Petitcodiac ;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the time when a good and sufficient Railway shall be completed by the Saint John and Shediac Railway Company, and in efficient operation from the Harbour of Shediac to the Bend of Petitcodiac, with substantial and sufficient locomotive cars, carriages and other vehicles propelled by steam, for the accommodation of passengers and the transportation of merchandise, 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 merchandise and passengers and otherwise on such Railway, whereby such Company may realize a less annual profit or interest than six per centum on a capital sum, not exceeding sixty thousand pounds, invested in the said undertaking.

Faith of the Province pledged for ten years to make up any deficiency in an annual profit of six per cent. on capital not exceeding £60,000.

II. And be it enacted, That when and for each and every year during the continuance of this Act, not exceeding twenty years, 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 of the Executive Council, that the said 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 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 six per centum on the capital sum, not exceeding sixty 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 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 moneys 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 and travelling on the said Railway, 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

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

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 six per centum on such capital sum, not exceeding sixty thousand pounds, as may be invested in the said Railway, during each and every year, not exceeding twenty years in the whole, that the said Railway shall be in efficient operation as aforesaid.

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

III. 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.

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 14th day of August 1850, and published and declared in the Province the 4th day of September 1850.*]

CAP. LXIV.

An Act for the more effective Auditing of Public Accounts.

Passed 26th April 1850.

Preamble.

WHEREAS it is necessary to afford more full and complete power of examining, auditing, or disallowing the Accounts of all persons in-
' trusted with the receipt or outlay of public moneys, or accountable for the same ;'

Auditor General
empowered to call
for the expenditure
Accounts of public
money, supported
by vouchers and
other evidence ;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Auditor General shall have full power and authority from time to time to call upon any person or persons who may be intrusted with or accountable for the expenditure of public money, and to require any person who may be intrusted or accountable as aforesaid, to furnish detailed Accounts and Vouchers, and to make oath as to the correctness of such Accounts and Vouchers, and the truth of the facts alleged in such Accounts or Vouchers ; and if such Auditor General shall deem the evidence of any witnesses, or the production of any books or papers, necessary to substantiate the correctness of such Accounts, he may refuse to pass such Accounts until such witnesses, books or papers be produced to him ; and if such witnesses, books or papers be not produced within six months, he may proceed to disallow the Account to which such evidence is supposed to relate.

And may disallow
Accounts on non-
production of
Books, &c.

Auditor General
invested with the
powers of a Justice
of the Peace, under
Act 12 Vic. c. 31, in
summoning persons
to appear before
him.

II. And be it enacted, That the Auditor General shall have the same power as a Justice of the Peace under the Act made and passed in the twelfth year of Her present Majesty's Reign, intituled *An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, within this Province, with respect to Summary Convictions and Orders*, to summon any person before himself to answer such questions touching Public Accounts, as to him may seem meet ; and he may, in case of default in obeying such summons, proceed as in the aforesaid Act directed, and may examine such person on oath, who shall be subject to the pains and penalties of perjury in case of false swearing ; provided always, that no such summons or proceeding of the Auditor General or his Deputy, shall compel any person to travel more than thirty miles from his usual place of abode, or to attend without payment or tender of his reasonable expenses, which shall be charged to the party whose Accounts are audited, unless the decision of the Auditor should be reversed upon Certiorari.

Not to compel
parties to travel
more than thirty
miles without pay-
ment of expenses.

Auditor General
empowered to audit
Public Accounts,
and surcharge
deficiencies, and
enforce payment.

III. And be it enacted, That the Auditor General shall have full power to examine, audit, allow or disallow Accounts, and items therein, relating to moneys applicable to public purposes, or in the hands of Public Officers for such purposes ; and such Auditor may charge, in every Account audited by him, the amount of any