

A. D. 1852

15° VICTORIAE.

C. 41

93

CAP. XLI.

This Act Recited in D. Laws Vol 2. Page 253. & Continued

An Act to amend an Act to incorporate the European and North American Railway Company.

Passed 7th April 1852.

which makes this Preamble Superfluous

WHEREAS the Act passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the European and North American Railway Company*, requires to be amended in certain particulars;

Private Act 14 V. c. 1.

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

1. The thirty eighth section of the aforesaid Act of Incorporation shall be and the same is hereby amended by the following addition thereto:—Provided always, that the Lieutenant Governor or Administrator of the Government for the time being, or any public officer by him appointed for that purpose, may direct the said Railway Company to make alterations in crossings which the increase of traffic on the highways, turnpike or other roads whatsoever, arising from that on the Railway, may render necessary, although at the outset a level crossing might be allowed without danger; and the alteration so directed shall forthwith be made by the Company.

14 V. c. 1, s. 38, amended.

Railway crossings to be altered on requisition.

2. The sixty first section of the said Act of Incorporation shall be and the same is hereby repealed; and in lieu thereof, it is enacted as follows:—The Directors of the said Railway Company shall be bound to provide such conveyance for the Officers or 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, at fares not exceeding two pence sterling per mile for each commissioned Officer proceeding on duty, such Officer being entitled to conveyance in a first class carriage; and not exceeding one penny sterling per mile for each Soldier, Marine or Private of the Militia or Police Force, and also for each wife, widow, or child above twelve years of age, of a Soldier, entitled by Act of Parliament or by competent authority to be sent to their destination at the public expense; children under three years of age so entitled to be taken free of charge; and children of three years of age and upwards, but under twelve years of age, so entitled, being taken at half price of an adult; such Soldiers, Marines and Privates of the Militia and Police Force, and their wives, widows and children so entitled, being conveyed in carriages which shall be provided with seats, with sufficient space for the reasonable accommodation of the persons conveyed, and which shall be protected against the weather; provided that every Officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge; and every Soldier, Marine, Private, Wife, or Widow, shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge; all the excess of the above weights of personal luggage being paid for at the rate of not more than one half penny per pound; and all public baggage, stores, arms, ammunitions, and other necessary things, (except gunpowder and other combustible matters, which the Company shall only be bound to convey at such prices and upon such conditions as may from time to time be contracted for between the proper authorities and the Company,) shall be conveyed at charges not exceeding two pence sterling per ton per mile, the assistance of the military or others being given in loading and unloading such goods.

14 V. c. 1, s. 61, repealed.

Railway Company to provide, whenever required, for conveyance of officers and soldiers, their wives and children, at specified rates.

Luggage.

Conveyance of public baggage, arms, ammunition, gunpowder and other combustibles.

3. In the event of a line of Electric Telegraph being established along the line of the Railway, either by the said Railway Company or by any other Company, partnership, person or persons, otherwise than exclusively for Her Majesty's service,

Use of electric telegraphs constructed along the line of Railway.

service, or exclusively for the purposes of the Railway, or jointly for both, the rate of such Electric Telegraph for the purpose of receiving and sending Messages, shall, subject to the prior right of use thereof for the service of Her Majesty, and for the purposes of the Company, and subject also to such equal charges and to such reasonable regulations as may be from time to time made by the said Railway Company, be open for the sending and receiving of Messages by all persons alike, without favour or preference.

The use of so much of the Railway as may be common to the contemplated Halifax and Quebec line to be conceded on equitable terms to the governing body of the latter.

4. In the event of the construction of the said European and North American Railway by the Company now incorporated for that purpose, the use of so much of said Railway as may be common to that Line and to the Halifax and Quebec Line, shall be conceded on fair and equitable terms and conditions to the governing body of the Halifax and Quebec Railway, if they demand it; and such terms and conditions shall be fixed by two arbitrators and an umpire, or the majority of them, of whom the two arbitrators shall be appointed by the governing bodies of the two Railways respectively, and the umpire shall be named by such arbitrators when so appointed.

Construction of this Act and two Acts of last Session if assented to by Her Majesty.

5. Provided always, that the two Acts or Bills intituled respectively *An Act to facilitate the construction of the European and North American Railway*, and *An Act further to facilitate the construction of the European and North American Railway*, which were passed in the last Session of the Legislature of New Brunswick, but which have not yet received Her Most Gracious Majesty's assent, shall in the event of both or either of them receiving such assent, be deemed to be and be construed as one Act with this present Act; and provided also, that nothing in such two Acts or Bills contained shall be so construed as to be inconsistent with or impede the concession of any facilities or the enjoyment of any advantages granted by an Act of the present Session in favour of the National and Provincial undertaking of the Halifax and Quebec Railway, but all provisions of such two Acts or Bills shall be so construed as to give a preference to the construction and maintenance of the said Halifax and Quebec Line, whenever by reason of its traversing the same ground, or otherwise, the interests of the two Railways may conflict or be incompatible.

The Acts for the Halifax and Quebec Railway to be construed so as to give that line the precedence.

1 June 1852

Not Depreciated but — CAP. XLII. *expired*
 An Act for the further amendment of the Law and the better advancement of Justice.
 Passed 7th April 1852.

Preamble.

WHEREAS it would greatly facilitate the administration of Justice in this Province, and reduce the expense thereof, if the Acts of Assembly were revised and properly arranged, and the proceedings in suits at law and in equity abridged and simplified;

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

Not more than five Commissioners to be appointed to revise the Laws, Report on the Courts' practice, and Law of Evidence.

1. The Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, is authorized and empowered, by Warrant under his hand and seal, to appoint three or more fit persons, not to exceed five in the whole, to be Commissioners as well to consolidate, simplify in their language, revise and arrange in one uniform code, the Acts of Assembly in this Province, incorporating in such revision and arrangement all such alterations and amendments as the said Commissioners shall deem necessary, as to report upon the practice and proceedings in the Courts of Law and Equity, and to suggest such alterations therein as may appear to the said Commissioners, or a majority of them, best adapted to lessen expense and advance