

part thereof, shall be laid out or expended on the making or improving any alteration that may be made in any of the said Roads, unless such alterations shall have been first laid out and recorded.

8. Every person who may be appointed a Commissioner for the expenditure of money hereinbefore granted, before entering upon the duties of his office, shall enter into a Bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Governor in Council, for the due performance of his duty as such Commissioner, and the faithful expenditure of and due accounting for such moneys as shall come into his hands as such Commissioner.

9. Notwithstanding the provisions of any Law in force for the election of Commissioners of Bye Roads, or otherwise, no person shall be appointed to expend any of the aforesaid moneys who shall be a defaulter, or who shall not have fully accounted for the expenditure of any money previously entrusted to him, until he shall have satisfactorily accounted therefor; and in case of the election of any such person, the Governor in Council shall appoint Commissioners in the same manner as if no election had taken place.

10. That in case of a vacancy by death of any Commissioner elected to expend money on the Bye Roads, the Governor in Council shall appoint a Commissioner to fill such vacancy.

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### CAP. III.

#### An Act in aid of the construction of Railways.

##### Section.

1. Lines towards construction of which Provincial aid to be given.
2. Governor in Council to determine class and character of Lines, &c.
3. Amount of aid to be given.
4. Conditions on which aid to be given.
5. Connection with Nova Scotia, when satisfactory arrangements made.
6. If Act 26 Vic. relative to Inter-Colonial Railway, become void, and Company build Railway, what amount authorized to be paid.

##### Section.

7. Debentures may be issued either in sterling or currency.
8. Appointment of Engineer on behalf of Province.
9. Crown Lands may be given for use of Road.
10. Government to have first mortgage on Road; when mortgage shall cease.
11. Company to carry Soldiers, Militia, &c. at any and all times when required. Fares for soldiers, &c. Luggage allowed. Freight of Military stores.

*Passed 11th April, 1864.*

WHEREAS it is deemed advisable to aid the construction of Railways in this Province;

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

1. That Provincial aid, in the manner hereinafter provided, shall be given towards the construction and completion of the following Lines of Railway, that is to say :—

A Main Line from the City of Saint John to the State of Maine, running as near as may be by the Douglas Valley ; and a Line from some point on the European and North American Railway towards the Boundary of Nova Scotia : also an extension of the European and North American Railway to Miramichi : also a Branch to connect the Main Line with the City of Fredericton : another Branch from the Town of Woodstock to connect with the present Saint Andrew's Line : another Branch from the Town of Saint Stephen to connect with the said Saint Andrew's Line : and another Branch to connect the European and North American Railway with Hillsborough, in the County of Albert, at such point therein as may be deemed most desirable.

2. The several Lines of Railway and Branches and Extensions to be constructed under the provisions of this Act, shall be made on such grades and with such guages and curvatures, and of such class and character respectively, as the Governor in Council shall determine ; and the routes and locations of the said lines and the said several branches and extensions, shall also in all cases be subject to the approval of the Governor in Council.

3. The aid to be granted to the said Lines of Railway and the said Branches and Extensions in the first Section of this Act specified, shall be at the rate of \$10,000 per mile, to be paid as hereinafter provided.

4. If any Company or Body Corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct the first before mentioned Lines of Railways, and the said Branches and Extensions, or any of them, and shall give such assurance or guarantee of their ability as the Governor in Council may deem necessary, the Governor in Council is hereby empowered and authorized to consent and agree to the building of the said Lines, and the said Branches and Extensions, or any of them, by such Company or Body Corporate, such agreement to be in the name of the Queen, and subject to such securities, clauses and conditions for protecting the public interest and for securing the due completion of such Line or Lines of Railways as the Governor

in Council may deem necessary; and so soon as it shall be satisfactorily proved to the Governor in Council that any such Company or Body Corporate shall have *bona fide* expended the sum of \$100,000 in actual work on the Road undertaken to be built by them, it shall be lawful for the Governor in Council to pay to such Company or Body Corporate the sum of \$25,000, being a portion of the said aid, and so in like manner from time to time *pro rata*, until the whole of the said Road undertaken by the said Company or Body Corporate shall be fully completed and in efficient operation, with all necessary station houses, and with substantial and sufficient locomotives and other rolling stock for the accommodation of passengers and transportation of merchandize, when the balance of the said aid of \$10,000 per mile, and no more, shall be paid to such Company or Body Corporate.

5. No agreement shall be entered into for the completion of a Line to connect with the Province of Nova Scotia, until satisfactory arrangements are made with the Government of that Province for the completion of the connection with the Nova Scotia Railways.

6. In case the Act of Assembly made and passed in the twenty sixth year of Her Majesty's Reign, intituled *An Act to authorize a Loan, and for the construction and management of an Inter-Colonial Railway*, should become inoperative, then if any Company or Body Corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct a Line of Inter-Colonial Railway to connect this Province with Canada, and shall give such guarantee or assurance of their ability as the Governor in Council may deem necessary, the Governor in Council is hereby authorized and empowered to enter into an agreement with such Company or Body Corporate for the construction of such Line, upon the following terms, viz:—That upon the completion of such Line of Railway, in efficient operation for the accommodation of passengers and transportation of merchandize, the Governor in Council shall each and every year thereafter in which the said Line of Railway shall be efficiently worked, pay to the said Company or Body Corporate a sum which, together with the net earnings of the said Railway, shall be equal to the interest of six per cent. upon the actual cost of said Line

so agreed to be built, such sum not to exceed in any one year the sum of twenty thousand pounds currency.

7. The Governor in Council is hereby authorized to issue from time to time, for the purposes of this Act, Debentures, payable either in New Brunswick currency or sterling money, to be numbered consecutively, with coupons annexed, bearing interest at six per cent. per annum, payable semi-annually, in such form, verified and authenticated in such manner, 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; the Debentures in sterling money to be payable in London, and the Debentures in New Brunswick currency to be payable at the Treasury in New Brunswick.

8. The Governor in Council is hereby authorized from time to time, to appoint during pleasure a fit and proper person as Engineer on behalf of this Province, whose duty it shall be to watch over the interests of this Province in the construction of the several Lines of Railway hereinbefore specified, and the said Branches and Extensions.

9. When any of the Lines of Railway in this Act mentioned, or the said Branches or Extensions, shall pass through Crown Lands, the Governor in Council shall grant, for the purposes of such Roads, necessary Crown Lands for tracks, sidings, and stations.

10. That for the purpose of securing the due and efficient completion of all or any of the said Lines of Railway, or Branches and Extensions in the first Section of this Act mentioned, any moneys advanced or paid to any Company or Body Corporate under the provisions of this Act, shall attach and stand, and are hereby declared to be a primary mortgage or first charge in favour of the Queen, for the benefit of this Province, upon such Line or Lines of Railway, and the Branches and Extensions undertaken to be built by such Company or Body Corporate, and upon the stations, station houses, rolling stock, and property of every description, and shall attach immediately upon the advance or payment of any portion of the said aid, upon all property owned by such Company or Body Corporate; and in order to fix and ascertain the amounts from time to time advanced or

*Approved by 30th Nov. 1864*

paid to such Company or Body Corporate, the President and Treasurer of the same shall deliver to the Provincial Treasurer a certificate under their hands, stating the amount so received; which certificate shall be sufficient evidence of such primary mortgage or first charge under this Act; provided always, that on the completion of the Road according to the terms of the agreement, such mortgage or first charge shall cease and determine.

11. Every such Company or Body Corporate as aforesaid, shall be bound to provide such conveyance for the Officers and Soldiers of Her Majesty's Forces, 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 by the Governor for that purpose, and with the whole resources of such Company or Body Corporate, at fares not exceeding two cents per mile for each officer, soldier, marine, or private of such Forces respectively, and also for each wife, widow, or child above twelve years of age, of a soldier, entitled by Act of Parliament or other 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, so entitled, being taken at half price of an adult; 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 eighty cents per one hundred weight per hundred miles; and all public baggage, stores, arms, ammunitions, and other necessary things, except gunpowder and other combustible matters, shall be conveyed at charges not exceeding four cents per ton per mile, the assistance of the military or others being given in loading and unloading such goods.