

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1848. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1848.

11 Victoria – Chapter 84 (1847)

An Act to facilitate the making of a Rail Road from Saint Andrews, in the County of Charlotte, to Woodstock, in the County of Carleton, and Branches thereof. Passed 23rd March 1847.

Whereas the facilities for travelling and the transportation of goods afforded by Rail Roads, are necessary to the development of the agricultural, manufacturing and commercial resources of the Province, and the introduction of population and capital from abroad: 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 in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to incorporate the Saint Andrews and Quebec Rail Road Company*, is desirous to proceed immediately to construct that part of the contemplated Quebec and Saint Andrews Rail Road which may lie between Saint Andrews and Woodstock;

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 Saint Andrews and Quebec Rail Road 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 Rail Road from Saint Andrews to Quebec, or of any of its Branches, for the purpose of making examinations, surveys, and other necessary arrangements; and also for the construction and repair of that part of the said contemplated Rail Road which may lie between Saint Andrews and Woodstock, and the Branches connected therewith, its several station houses, and depots, and for fuel for the use of the engines, station houses and depots belonging to the said part of the said contemplated Rail Road, 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 Lands contiguous to the Rail Road.

II. And be it enacted, That 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, 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 parts of the Crown Lands as the said part of the said contemplated Rail Road, 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 Rail Road, measured from the centre thereof; and also additional pieces or parcels of land severally not exceeding four 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 ten miles, as may be necessary, and the said Company may select and determine.

III. Provided always, and be it enacted, That if the said part of the said contemplated Rail Road 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 re-vest in Her Majesty, as fully as if no grant had been made or rights or privileges conferred.

IV. And for the further encouragement of the said undertaking, Be it enacted, That on the completion of the said part of the said contemplated Rail Road, it shall and may be lawful for the said Company, at their own proper cost and charges, and under the supervision of the Surveyor General of the Province, to survey and lay out the Crown Lands contiguous to the said part of the said contemplated Rail Road, and the said Branches, in lots of one hundred acres each, with a front of fifty rods on the Rail Road, and to choose and select in an uniform manner, and as nearly as may be at regular intermediate distances, such and so many of the lots so surveyed and laid out as will make up the total quantity of twenty thousand acres of land; which said quantity of twenty thousand acres of land, according to the several divisions thereof, the said Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent aforesaid, shall and he is hereby authorized and empowered to grant in fee simple to the said Company, free from any charge, save and except the expenses of the survey as aforesaid.

V. And in order to encourage the investment in the said undertaking of private capital from abroad; Be it enacted, That from and after the time when the said part of the said contemplated Rail Road 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, and the same is hereby 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 part of the said contemplated Rail Road, 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 one hundred thousand pounds, as may be invested in the said undertaking.

VI. 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 part of the said contemplated Rail Road 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 part of the said contemplated Rail Road, 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 one hundred 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 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 on 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.

[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.]