

*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 85 (1847)

**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.**

Whereas the facilities for travelling and the transportation of merchandize 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;

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.

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.

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.

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.

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 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.

*[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.]*