

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1852. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1852.

15 Victoria – Chapter 29

An Act to make provision for the construction of a Great Trunk Line of Railway from Halifax to Quebec. Passed 30th March 1852.

Whereas the formation of a Great Trunk Line of Railway from Halifax to Quebec, through British Territory, would consolidate and strengthen the Provinces of British North America, develop their resources, settle their waste lands, multiply their social and commercial relations, and afford increased facilities for rapid inter-communication with the British Islands, and with all parts of this Continent: And whereas it is anticipated that Her Majesty's Government will advance or guarantee the funds required to construct this work on certain conditions;

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

1. Whenever the funds necessary for the purpose shall be raised by loan or guarantee under the authority of the Parliament of the United Kingdom, or advanced as a loan to the Provinces of Canada, Nova Scotia and New Brunswick, under such authority, or subscribed or loaned by Corporations or individuals, as hereinafter provided, either wholly or in part, it shall be lawful for the Lieutenant Governor in Council to enter into such arrangements as may be deemed conducive to the interests of this Province, with the Government of the United Kingdom, and with the Governments of Canada and Nova Scotia, for the construction of a Great Trunk Line of Railway from the Harbour of Halifax, in Nova Scotia, to some point opposite the City of Quebec; to be located on a line commencing at or near Point Levi, opposite Quebec; thence down the Saint Lawrence to or near to the River de Loup or Trois Pistoles; and thence traversing in its main course on British territory watered by the tributaries of the River Saint John, to the City of Saint John; thence following on or near the proposed route of the European and North American line of Railway to the northern boundary of Nova Scotia, on the Isthmus between the Bay of Fundy and the Gulf of Saint Lawrence; and thence through Nova Scotia to Halifax, on any line that may be found most eligible.

2. The said Great Trunk Line of Railway shall be constructed by this Province, in conjunction with the Provinces of Canada and Nova Scotia, in the following proportions, that is to say: The Province of Nova Scotia to make provision for and to contribute to the construction of the whole line three twelfths; Canada four twelfths; and this Province five twelfths; each Province bearing the hazard and sharing the profits of the whole enterprize in the like proportions.

3. For facilitating the arrangements, all the right and title of Her Majesty in this Province in the ungranted lands within this Province, lying within five miles of each side of the said Great Trunk Railway, are hereby placed at the disposal of the Lieutenant Governor in Council, to be appropriated, pledged, or otherwise dealt with as may be thought best for the interest of the Province with regard to such arrangements as aforesaid; it being understood and hereby declared

that the Legislature of this Province will confirm and give effect to such further enactments as may be necessary to carry out any arrangements or agreements which may be made by the Lieutenant Governor in Council, in the spirit and for the purpose of this Act.

4. Whenever the Governments of Canada, Nova Scotia and this Province shall have determined on and provided for the construction of the work contemplated by this Act it shall be lawful for the Lieutenant Governor in Council to appoint so many Commissioners as may fairly and proportionably represent the interest of this Province in such work, with full powers to construct and manage such work, in conjunction with Commissioners to be appointed by the Governments of Canada and Nova Scotia; provided that no Member of the Legislature, not being a Member of the Executive Government, shall be appointed a Commissioner under this Act.

5. It shall not be lawful for any Member of the Legislature to hold or be appointed to any office of emolument under the Commissioners, or be a contractor or party to any Contract arising out of the construction, management or working of the said Road or any part thereof.

6. It shall be lawful for the Lieutenant Governor, by and with the consent of the Executive Council, by Warrants on the Provincial Treasurer, to pay out of the funds to be raised or advanced for the purpose, such sums as may from time to time be required to defray the proportion of expenses of making the said Railway to be incurred by this Province under any arrangement as aforesaid, or any other expenses which under such arrangement are to be borne by this Province.

7. The Commissioners are authorized to enter upon to survey and to take possession of any land required for the tract of the Railway, or for Stations, and they shall lay off the same by metes and bounds, and record a description and plan thereof in the Registry of Deeds for the County in which the lands are situate; and the same shall operate as a dedication to the public of such lands; but the lands so taken shall not be less than four nor more than eight rods in breadth for the tract, nor more than five acres in extent for any station.

8. The Commissioners may enter with workmen, carts, carriages and horses, upon any lands necessary for the purposes of this Act; and therefrom, for the making of such Railroad, dig up and carry away stones and gravel, and cut down and carry away any trees, bushes, logs, poles and brushwood.

9. The Commissioners may make an agreement in writing with the proprietors of the land so taken or entered upon, for damages, and fencing where such fencing shall be considered requisite by the Commissioners, and also for materials for the road taken from any lands.

10. Where no agreement shall be made, one appraiser shall be appointed by the Commissioners, a second by the persons interested in the lands, and on their default, after three days notice by such Commissioners, such two shall choose a third appraiser; and the appraisers shall be sworn before any Justice of the Peace to the faithful discharge of their duty; and they or any two of them shall make a valuation as to damages for lands, and for fencing when requisite, or materials taken from any land, which valuation shall be in writing and shall be final.

11. In making such arrangement or appraisal, the benefit likely to be derived by the proprietor from the Railway running through his land, shall be taken into consideration, and the damage thereby reduced or extinguished.

12. The Commissioners, with the consent of the Lieutenant Governor in Council, shall have power to treat and agree with any Corporation or Railroad Company for the purchase or use of the whole or any part of their respective Railroads, rights and property, which it may be found expedient to adopt as part of the said Main Trunk Line of Railway, and to pay such sum as may be agreed upon as compensation for any such Railroad or portion thereof, rights or property, out of any moneys which might be applied to making part of the said Main Trunk Line of Railroad at the same place; and the Directors of the said Companies respectively shall have full power and authority to treat and agree with the said Commissioners for any of the purposes aforesaid; and to receive the compensation that may be agreed upon; and to give a valid discharge for the same; and to surrender and convey to Her Majesty, for the public uses of the Province, such Railroad, or part thereof, rights or property as aforesaid, which shall thereafter be vested in Her Majesty for the uses aforesaid; provided always, that nothing herein contained shall be construed to affect or impair any right now vested in Her Majesty to take the said Railroads, or either of them, or any of the rights or property of the said Companies, or either of them, under any Act incorporating such Company, or amending the Act incorporating the same.

13. The Executive Government shall Quarterly, or as often as they may deem necessary in each and every year, call upon the Commissioners for detailed accounts of their proceedings, receipts and disbursements; and they shall annually and within fifteen days after each, meeting of the Legislature, lay before both Branches thereof full and detailed accounts of such proceedings, doings, expenditures, receipts and disbursements for, concerning, or on account of the said work.

14. The Executive Government, in the first instance, to fix the rate of Salary for the respective Commissioners appointed for the Province, subject to the revision and confirmation of the Legislature at its first session thereafter.

15. If any Corporation or individual shall desire to invest moneys in the Railway fund applicable to the construction of this work, at their own risk, sharing with the Government the hazard and the profit of the enterprize, it shall be lawful for the Provincial Treasurer to issue Scrip in sums not less than twenty five pounds, bearing no interest, but entitling the holder to a share proportioned to his investment in the tolls and revenues of the road.

16. Any person desiring to invest on the credit of the Province, moneys in the Railway fund applicable to the construction of this work, may pay any amount not less than twenty five pounds to the Provincial Treasurer, under the same guards and regulations as now secure the moneys invested in the Savings Banks; provided that the rate of interest to be paid on such instalments shall be the same as the Province pays for the loans advanced by Her Majesty's Government.

17. Whenever the Railway shall be completed from Halifax to Quebec, it shall be lawful for the Lieutenant Governor in Council to make, in conjunction with the Governments of Canada and Nova Scotia, such arrangements as may be suitable for working the Railway as one line by a common management; such arrangement to be submitted to both Branches of the Legislature at the Session then next ensuing.

18. The total sum to be raised for the purposes of this Act upon the credit of the Revenues of this Province shall never exceed in the whole the sum of one million five hundred thousand pounds sterling.