

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 41

**An Act to amend an Act to incorporate the European and North American Railway Company.
Passed 7th April 1852.**

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;

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.

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 The sixty first section of the said Act of Incorporation shall be and the same is hereby repealed; and in lieu thereof, it is enacted as follows:—The Directors of the said Railway Company shall be bound to provide such conveyance for the Officers or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.

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, 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.

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.

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.