

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1856. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1856.

19 Victoria – Chapter 15

An Act to authorize the construction of Railways in this Province. Passed 12th April 1856.

Section.

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Section.

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

1. The lines of Railway to be constructed under the provisions of this Act, shall be Public Provincial Works, and shall be made on such grades as the Governor in Council shall determine, as best adapted to promote the public interests.
2. The lines to be constructed shall be a line from Saint John to Shediac, and also from Saint John to the State of Maine, with extensions to Woodstock via Fredericton, and from some point on the Bend and Shediac line to Miramichi.
3. The line from the Bend of Petitcodiac to Shediac shall be completed first, at the same time the two extensions shall be surveyed; when that portion of the line from Shediac to the Bend of Petitcodiac is completed, the line from Saint John to the Bend of Petitcodiac shall be proceeded with, during the construction of which, fifty thousand pounds sterling shall also be expended in construction on each extension, to commence in the year one thousand eight hundred and fifty seven, and the expenditure on the extension to Woodstock to begin at Fredericton and proceed upwards; after which, the line from Saint John to the State of Maine to be proceeded with, and the two extensions shall be proceeded with by an equal annual expenditure on each extension.

4. The construction and management of such Railways shall be under the charge of five Commissioners, any two of whom, with the Chairman, shall be a quorum, to be appointed by the Governor in Council, and to hold office during pleasure, one of whom to be named in the Commission shall be the Chairman, who may sit and vote with the other Commissioners: not more than one of such Commissioners shall hold a seat in each branch of the Legislature.

5. The Commissioners shall build such Railways by tender and contract, after the plans and specifications therefor shall have been duly advertised, and they may accept the tenders of any such contractors as shall appear to them to be possessed of sufficient skill, experience, and resources, to carry on the whole or such portions thereof as they may be willing to contract for: but where the Commissioners in any case may deem it necessary for the public interest not to accept the lowest tender that may be made, it shall not be competent for them to accept a higher tender without the approval of the Governor in Council.

6. The contracts to be entered into shall be guarded by such securities, and contain such provisions for retaining a proportion of the contract moneys to be held as a reserve fund for such periods of time and on such conditions as may appear to be necessary for the protection of the public and securing a due performance of the contracts.

7. The Governor in Council may appoint a Chief Engineer and such other officers as may be deemed necessary, who shall hold office during pleasure, and be under the control and receive their instructions from the Commissioners; the Chief Engineer shall have the general superintendence of the works to be constructed under this Act.

8. No money shall be paid to any contractor until the Chief Engineer shall have certified that the work for or on account of which the same shall be claimed, has been duly and faithfully executed, nor until such certificate shall have been approved of by the Commissioners.

9. No Member of the Legislature shall hold or be appointed to any office of emolument under the Commissioners, or be a contractor or party to any contract for the construction, management, or working of the road, or any part thereof.

10. The Commissioners shall do all other lawful acts necessary for making, maintaining, altering or repairing, and using the Railway, and making regulations for the safe construction and working of the Railway under their charge, for the transmission of goods and passengers thereon, for their care and management and that of the plant and equipment used thereon, for the protection of the wharves, bridges, culverts, crossings, stations, buildings, and depots, erected or to be erected, and all other the property in the possession and under the control of the Board, and in such regulations to fix fines and penalties not exceeding twenty pounds for any breach thereof: such regulations shall, before they go into operation, be approved of by the Governor in Council.

11. Penalties prescribed by the Board, under the authority of this Act, may be sued for and recovered in the manner provided by the thirty second Section of Chapter 161, of Title XLI, of the

Revised Statutes, in the name of the Chairman of the Board, and when recovered shall be paid into the Province Treasury, and accounted for in the same manner as other public moneys.

12. Whenever the Railways or any portion thereof shall be completed, the Governor in Council may make such arrangements for working them as may be deemed necessary; such arrangements to be submitted to both Branches of the Legislature at the Session then next ensuing.
13. The Governor in Council may inspect all contracts and proceedings of the Commissioners, examine their accounts at all times, and if deemed necessary, suspend the progress of the works or any part thereof.
14. The salary of the Chairman shall be five hundred pounds currency per annum, and each Commissioner two hundred pounds currency per annum; and the Governor in Council may fix the salaries of all other officers.
15. No greater sum than at the rate of two hundred thousand pounds sterling per year shall be expended under the authority of this Act.
16. The Commissioners shall furnish accounts of the expenditure whenever required by the Governor in Council, and quarterly accounts of all expenditures, liabilities, and receipts, which shall be audited by the Auditor General and laid before the Legislature within ten days after the opening of the Session.
17. Nothing in this Act contained shall authorize the Commissioners or contractors to enter upon any lands reserved for Naval or Military purposes without the consent of Her Majesty.
18. Any thing authorized or directed to be done by the Commissioners in the construction of works under this Act, may be done by the Chairman.