

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1857. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1857.

20 Victoria – Chapter 69 (1856)

**An Act for further facilitating the making of part of the Saint Andrews and Quebec Rail Road.
Passed 12th April 1856.**

Preamble refers to Acts 6 W. 4, c. 31, 16 V. c. 27, & 84, 11 V. c. 63, 12 V. c. 74.

Section.

1. Repeals 10 V. c. 84, s. 3.
2. Forfeiture if Railroad be not completed in four years.
3. Duration of guarantee of interest.
4. Faith and credit of Province pledged.
5. Repeals sec. 3 of 12 V. c. 74.
6. Continues 12 V. c. 74.

Section.

7. Grants of Crown Land confirmed.
8. Privileges under previous Acts not lessened
9. Act conditional on certain expenditures.
10. Construction of Act.
11. Suspending clause.

Whereas by an Act of Assembly passed in the sixth year of the Reign of His late Majesty William the Fourth, intituled *An Act to incorporate the Saint Andrews and Quebec Rail Road Company*, the Company were authorized to make a Rail Road from Saint Andrews to Quebec, and were required to complete the Rail Road from Saint Andrews to the Province line within fifteen years from the passing of that Act: And whereas by an Act of Assembly passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to amend and extend the provisions of an Act intituled An Act to incorporate the Saint Andrews and Quebec Rail Road Company*, the obligation on the Company to make the Rail Road from Saint Andrews to the Province line within those fifteen years was repealed, and the Company were required to make the Rail Road from Saint Andrews to Woodstock within ten years from the passing of the now reciting Act: And whereas by a Facility Act passed in the tenth year of the Reign of Her present Majesty, intituled *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*, the Lieutenant Governor or Administrator of the Government was authorized to grant Crown Lands in the Province to the Company, and (by the third Section) it was enacted—“that if the part between Saint Andrews and Woodstock of the Rail Road should not be completed and in full operation within the space of ten years from the time the now reciting Act should come into operation, all and every the said grants of land, and the rights and privileges conferred by the now reciting Act, should be utterly null and void, and the land and privileges should revert to and revest in Her Majesty as fully as if no grant had been made or rights and privileges conferred;” and (by the fifth Section) the faith and credit of this Province was pledged to the Company to make up and pay any deficiency of the clear profits arising from the traffic of merchandise and passengers, and otherwise, on that part of the Rail Road and the Branches thereof, whereby the Company might realize a less annual profit or interest than five per centum on such capital sum not exceeding one hundred thousand pounds as might be invested in the undertaking; and by the sixth Section provision was made for such payment, but for not more than ten years: And whereas by a Facility Act passed in the eleventh year of the Reign of Her

present Majesty, intituled *An Act to extend the provisions of an Act intituled '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;'* by the first Section the rate of annual profit or interest, for which the faith and credit of the Province stood pledged by the recited Facility Act of the tenth year of the Reign of Her present Majesty, was increased from five per centum per annum to six per centum per annum; and by the second Section the term of years during which such deficiency was to be made up was extended to twenty five years; and by the third Section further grants of Crown Land were authorized to be made to the Company: And whereas by a Facility Act passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act further to facilitate the making of a Rail Road from Saint Andrews to Woodstock with a Branch to Saint Stephen, further grants of Crown Land were authorized to be made to the Company;* and by the third Section it was enacted that the now reciting Act should be and continue in force for ten years from the passing thereof, and no longer: And whereas several grants of Crown Lands have under the recited Acts, or some of them, been made to the Company: And whereas it is expedient to continue the facilities already granted and to extend the time for the making of the said Rail Road;—

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

1. The third Section of the recited Facility Act of the tenth year of the Reign of Her present Majesty, shall be and the same is hereby repealed; and in lieu thereof,
2. If the part of the contemplated Saint Andrews and Quebec Rail Road which may be between Saint Andrews and Woodstock, and also a Branch thereof to the River Saint Croix at or near the Ledge, (so called) in the Parish of Saint Stephen, in the County of Charlotte, be not completed and in full operation within the space of four years from the time when this Act comes into operation, all and every the grants of land, and the rights and privileges conferred by the several Facility Acts relating to the Company, shall be utterly null and void, and the land and privileges shall revert to and revest in Her Majesty, as if no grant had been made or rights or privileges conferred.
3. The term of twenty five years mentioned in the second Section of the recited Facility Act of the eleventh year of the Reign of Her present Majesty, during which the deficiency of the annual profit or interest shall be made up and paid by this Province, to the extent of six per centum per annum on such capital sum not exceeding one hundred thousand pounds as shall be invested in the undertaking, shall be computed from the day on which the part between Saint Andrews and Woodstock of the Rail Road, and also a Branch thereof to the River Saint Croix, at or near the Ledge, in Saint Stephen aforesaid, are finally opened; and during that term of twenty five years so computed, such deficiency, if any, shall be made good by this Province, and shall be paid to the Company in manner and form, and according to the stipulations and conditions mentioned and contained in the sixth Section of the recited Facility Act of the tenth year of the Reign of Her present Majesty, so far as those stipulations and conditions are consistent with the provisions of this Act, but in no case shall the liability of the Province exceed six per centum on one hundred thousand pounds, and shall cease to be paid at any time when the said Road is not kept in efficient operation.

4. The faith and credit of this Province shall stand pledged, and the same is hereby pledged to the Company, to make up and pay such deficiency during that term of twenty five years so computed, subject only to the provisions of the last preceding Section.
5. The third Section of the recited Facility Act of the twelfth year of the Reign of Her present Majesty is hereby repealed; and in lieu thereof,
6. The recited Facility Act of the twelfth year of the Reign of Her present Majesty shall be and continue in force for four years from the passing of this Act, and no longer.
7. The several grants and appropriations of Crown Lands respectively made to or for the benefit of the Company, are by this Act confirmed, and shall be valid and effectual to all intents and purposes whatsoever.
8. Provided always, that this Act or any thing therein contained shall not take away, lessen, or prejudicially affect any of the estates, rights, interests, powers, privileges, or authorities of the Company, or of the Directors of the Company, or of the holders of Class A Shares, or of the Directors of Class A Shareholders, under or by virtue of the several Acts of Assembly and Facility Acts relating to the Company, or any of them.
9. Provided always, this Act and the extension of time therein mentioned are upon the express condition that the said Company, or the Class A Shareholders, or the Directors thereof, shall within one year from the time this Act comes into operation, expend in the construction and further extension of the parts of the said Road above mentioned a sum not less than eight thousand pounds sterling, and also in each of the three following years a sum not less than fifteen thousand pounds sterling over and above any Money or Debentures which may be received by them under any Facility Act or Law of this Province; the whole line from Saint Andrews to Woodstock, together with a Branch to Saint Stephen as aforesaid, to be completed within the said four years; satisfactory proof of such annual expenditure shall from year to year be given to the Lieutenant Governor in Council; failing any of these payments or expenditures the facilities granted shall cease.
10. Provided always, that nothing in this Act shall in any way be construed to extend the provisions or rights of the said Company under any Act of Assembly now in force; nor shall this Act enlarge the powers or privileges already granted, or increase the Provincial liabilities, except to extend the time for the completion of the said Railway.
11. This Act shall not come into operation or be in force until Her Majesty's Royal approbation thereof be first had and declared.

[This Act was specially confirmed, ratified and finally enacted, by an Order of Her Majesty in Council dated the twenty first day of August 1856, and published and declared in this Province the first day of October 1856.]