

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1866. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1866.

29 Victoria – Chapter 12 (Session 2)

An Act to authorize the connexion of Railway Lines, and to provide for the management and regulation of connecting Lines of Railroads in this Province. Passed 9th July, 1866.

Section.

1. Company, when authorized to make connection with other Railways.
2. Charges to be made by Railway Companies in operation.
3. If Company refuse, &c., to draw loads, other Company may use their own Engine.
4. Depot of one Company may be used by another Company.
5. Rates of Fare, by whom established.
6. Differences between Companies, how settled.

Section.

7. Duty of Commissioners. Decision of Commissioners, how enforced.
8. Process to enforce, by what Court issued.
9. Power of Commissioners to compel witnesses.
10. Compensation to Commissioners.
11. Penalty for not obeying order of Commissioners.
12. Limitation of Act.

Whereas under the Act of the General Assembly passed in the twenty seventh year of the Reign of Her present Majesty, intituled "*An Act in aid of the construction of Railways,*" certain companies or bodies corporate have been organized in conformity to the provisions of said recited Act, and with the approval of the Governor in Council, and have commenced the building of certain branches in said Act named and authorized to be built: And whereas other branch lines may be hereafter built under the provisions of said recited Act: And whereas such branches are intended to connect with main lines of Railway already built and in operation, or which may be hereafter built: And whereas it is just and desirable that every facility should be given to such branches and main lines to connect with or cross each other, and to haul cars without transshipment of freight from any such branch line to and over any such main line, and from any such main line to and over any such branch line, to place of destination, and that provision should be made in cases of failure of agreement between parties owning or having the management of any such main line and any such branch line respectively, to determine in relation to the rates at which passengers, merchandise and cars shall be transported or carried over such connecting lines, or either, and to determine as to the mileage and proportionate allowance of each road to be charged, and for the settlement and adjustment of same; and also to determine the terms and conditions upon which the engine or engines of either of any such connecting lines shall or may be run over the main line, or branch line, or both, and the rates to be charged upon passengers and merchandise to be carried over any such main line and branch line, or portions of each, and to determine the time and terms of connection, crossing, or junction; and that

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provision should be made to allow the engine or engines of either connecting line to run its cars on the connecting line in cases of neglect, refusal or inability of either of the owners or managers of such connecting lines respectively, to haul with its own engine or engines over the lines of either, and to provide for all and every other matter relating to the free and beneficial trafficking and working of either of the connecting lines, and to determine the compensation or damages to be allowed in cases in which compensation or damages would be claimable;—

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

1. That any Company or body corporate organized under the before recited Act, and building any of the branch lines mentioned in said Act before recited, and which are intended to connect with lines of Railway already built, and on which cars run, shall be and are hereby authorized and entitled to make a connection with such main line or lines already built, or which may be hereafter built, at such convenient point at the place mentioned in the offer by any such Company or body corporate to the Governor in Council in their offer to construct any such branch line to any other line of Railway under the fourth Section of the before recited Act, and which offer has been consented and agreed to by the said Governor in Council.
2. A corporation or body corporate owning a Railroad on which cars run, the lessee or lessees, manager or agent of same, is hereby required, on request made, to draw over its road cars of any other Railroad connecting with it, at reasonable times, and at rates of toll not exceeding its ordinary and customary rates, and at proportionate and uniform charges for mileage according to the distance run, which the part shall bear to the whole, and according to the scale of charges; a table of which rates and charges to be made out by the said Company or body corporate, the lessee or lessees, manager or agent of such connecting lines respectively, in each and every year, and to be posted up in the principal depots of the Railroad exposed to public view.
3. When either of the said Companies or bodies corporate, the lessee or lessees, manager or agent of same, shall neglect or refuse, or be unable from any cause so to draw over its road the cars of any other Railroad connecting with it, at reasonable times as aforesaid, the corporation or body corporate owning either of the connecting lines of Railroad as the case may be, the lessee or lessees, manager or agent of same, may draw its cars over such road with its own engine or engines during such neglect, refusal or inability as aforesaid, subject, while on such road, to its regulations for the management of its own trains, if such should be in force.
4. The Company or party owning or having the management of either of the connecting lines, shall allow the use of their respective depots, the one to the other, for

the landing, receiving and storing the merchandise of either, at all reasonable and convenient times, and at reasonable and customary charges.

5. Nothing in this Act contained shall be construed to interfere with the rights of either the connecting lines to fix the rates of such transportation of passengers or merchandize as shall be confined wholly to any one of the connecting lines alone.

6. Whensoever it shall happen that the corporate bodies or companies so owning the Railroad lines respectively, the lessee or lessees, or the manager or managers, agent or agents of same, shall, after request made, fail to agree upon any of the matters in the preamble of this Act mentioned, it shall and may be lawful for either, and they are hereby authorized to make applications to the Supreme Court of this Province or to any Judge thereof, first giving fourteen days notice, the one to the other, of such their intention, that three Commissioners may be appointed to settle and determine any of the matters aforesaid, so desired to be settled and determined, who shall thereupon be appointed by the Supreme Court or any Judge thereof, for the purpose or purposes for which their appointment may be sought, and the notice to be given as aforesaid shall specify the purpose for which such appointment is so sought.

7. It shall be the duty of such Commissioners, immediately after their appointment and notice given to them by the party applying, to notify the said companies or bodies corporate, the lessee or lessees, manager or ostensible agent of any such connecting lines, of their intention to hear the parties concerning the matters for which they may have been appointed, specifying in such notice the time and place of hearing, and to determine the matter sought to be determined, adjusted, or regulated, and shall make and sign their award in the premises, prescribing the things to be done or otherwise as required of them, and their determination in relation to any of the matters upon which their interference is required, and for which they may have been appointed; which award or return of such Commissioners shall be rendered to the Supreme Court for the purpose of being confirmed and filed; upon such confirmation it shall be binding upon all parties concerned, and shall be made an order of the Supreme Court, enforceable by such Court, and shall so remain in force until a new application is made by either party as aforesaid, and award rendered and confirmed; provided always, that no such new application upon the same matter shall be made within one year after such confirmation.

8. The Supreme Court may issue any process necessary to enforce respect to the order so to be made as aforesaid.

9. The Commissioners, when appointed as aforesaid, shall be invested with the authority of Courts of Law, to summon witnesses, compel their attendance before them, and to testify.

10. A compensation to be made to the Commissioners for their services shall be allowed, not exceeding four dollars a day and travelling expenses, and the said Commissioners shall and may order and direct what party shall be liable for the same, or may apportion the payment of the same between the parties, and such payment shall be enforced by being made part of the order of the Court aforesaid.

11. On neglect or refusal by any such corporation or body corporate, the lessee or lessees, manager or agent of the same, to fulfil and abide by the terms and order of any such award so to be made by the Commissioners to be appointed as aforesaid, upon demand made upon such corporation or body corporate, their lessee or lessees, manager or agent, by the party who may have applied for the appointment of Commissioners as aforesaid, and who have made their award or order in the premises, and which award or order may have been confirmed in manner aforesaid, the said corporation or body corporate shall be subject to a penalty of forty dollars per day for each and every day's neglect or refusal to carry out and obey the award or order of the Commissioners, which penalty may be recovered by the party so applying as aforesaid, before any two Justices of the Peace resident in any County where the line of Railroad may be to which the said award or order may relate, and such proceedings for the recovery of such penalty may be taken under the Act of Assembly relating to summary convictions.

12. That this Act shall continue in operation for three years from the passing of the same.