

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1867. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1867.

30 Victoria – Chapter 65

An Act to empower the City Council of the City of Fredericton to contract a Loan in aid of the Fredericton Railway. Passed 17th June 1867.

Section.

1. City Council authorized to borrow \$50,000.
2. Amount of aid to be given.
3. Money advanced (in conjunction with advances by County) to stand as second mortgage; in what case to be first charge.
4. Certificate of amount advanced to be given to City Treasurer.

Section.

5. Condition of mortgage.
6. City Council may issue Debentures.
7. How signed and sealed, and when payable.
8. City Treasurer to receive and pay money.
9. Assessment upon City to pay off principal and interest.
10. Debentures when to be paid off.

Whereas the City Council of the City of Fredericton having, at a meeting of the said Council, agreed and resolved to give to the Fredericton Railway Company, in aid of the construction of a line of Railway from the City of Fredericton to Hartt's Mills in the County of Sunbury, a bonus or subsidy of fifty thousand dollars, upon the conditions hereinafter specified;—

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

1. To enable the Corporation of the said City of Fredericton to carry out such agreement and determination, the City Council of the said City are hereby authorized and empowered to borrow such sum or sums of money in loans of not less than one hundred dollars each, not exceeding fifty thousand dollars in the whole, to be appropriated and applied according to the provisions of this Act.
2. When and so soon as it shall be certified to the said City Council by a competent Engineer, that one mile of the said Fredericton Railway is graded and ready for laying down and receiving the rails, the said City Council shall pay to the said Fredericton Railway Company the sum of two thousand dollars, and the like sum of two thousand dollars on the receipt of a similar certificate of each successive mile being so graded and ready for laying down and receiving the rails, until twenty miles of the said Fredericton Railway is completed; and when it shall be certified to the said City Council by a competent Engineer as aforesaid, that the remaining portion of the said line of Railway from Fredericton to Hartt's Mills as aforesaid is completed, and in good through working order, with the necessary stations, station houses, and rolling stock, the said City Council shall pay to the said Fredericton Railway Company the balance of the said fifty thousand dollars, namely, the sum of ten thousand dollars.

3. For the purpose of securing the due and efficient completion of the said Fredericton Railway from Fredericton to Hartt's Mills aforesaid, and also for securing the continuous working of the said Railway for a period of twelve years after its full and final completion, any moneys advanced or paid to the said Company under the provisions of this Act shall attach and stand, and are hereby declared to be, in conjunction with any moneys advanced to the said Fredericton Railway Company by the Municipality of the County of York, under the provisions of any Act of Assembly made or to be made in relation to any bonus or subsidy given by the said Municipality to the said Fredericton Railway Company, a second mortgage or second charge, to stand (immediately after the primary mortgage or first charge to the Queen, as provided in and by an Act of the General Assembly made and passed in the twenty seventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in aid of the construction of Railways,*) in favour of the said City of Fredericton and the said County of York, *pro rata*, according to the sums respectively paid by the said City of Fredericton and County of York as aforesaid, upon the said Fredericton Railway, and upon the stations, station houses, rolling stock and property of every description belonging to the said Fredericton Railway Company, and the same shall attach immediately upon the advance or payment of any portion of the said bonus or subsidy upon all property of every description owned by the said Railway Company; provided always, and it is hereby declared to be the true intent and meaning of this Act, that should it so happen that there should be no primary mortgage or first charge to the Queen as aforesaid, that then and in such case the moneys paid by the said City Council and Municipality as aforesaid, shall attach and stand as a primary mortgage or first charge upon all the property of and belonging to the said Fredericton Railway Company.

4. In order to fix and ascertain the amounts from time to time advanced and paid to the said Fredericton Railway Company by the City Council, the President and Treasurer of the said Fredericton Railway Company shall deliver a certificate to the City Treasurer of the City of Fredericton, stating the amount so received, which certificate shall be sufficient evidence of such mortgage or charge under this Act; provided always, that when the said road shall be completed, and the primary mortgage or first charge to the Queen for the benefit of the Province, as provided by the said Act of Assembly, intituled *An Act in aid of the construction of Railways*, shall cease and determine, then and in such case the said second mortgage or second charge to the said City of Fredericton and County of York jointly, shall, for the purposes hereinafter named, become a primary mortgage or first charge upon the said line of Railway, stations, station houses, rolling stock and property of every description belonging to the said Fredericton Railway Company.

5. The said second mortgage or second charge in favour of the said City of Fredericton is hereby declared to be held solely as a security to the said City of Fredericton, that the said Fredericton Railway shall be efficiently completed from the said City of Fredericton to Hartt's Mills aforesaid; and when the said second mortgage or second charge shall become a primary mortgage or first charge, as provided by this Act, the said primary

mortgage or first charge shall be and remain a continuing security to the said City of Fredericton, in conjunction with the said County of York, that the said Fredericton Railway shall, for a period of twelve years next after the final completion of the said Fredericton Railway, be kept in thorough repair, in complete and efficient working order, and used as and for a Railway, and for no other purpose whatever.

6. It shall and may be lawful for the said City Council to issue Debentures, with Coupons, at a rate not to exceed six per cent per annum, payable semi-annually to the lenders thereof, in such form as the City Council may deem expedient; which Debentures and Coupons shall be respectively negotiable in the same manner as promissory notes payable to the lender or bearer.

7. The said Debentures shall be sealed with the Common Seal of the Corporation of the City of Fredericton, and be signed by the Mayor and countersigned by the City Clerk, and shall be consecutively numbered according to the times at which the same shall be issued, and shall be made payable in not less than five years and not exceeding twenty five years from the respective dates of issue.

8. All moneys loaned to the Corporation of the City of Fredericton under and by virtue of this Act shall be paid by the lenders thereof to the City Treasurer, and by him paid to the Fredericton Railway Company by order of the City Council, the said City Treasurer holding and paying the same exclusively for the purposes of this Act.

9. The said City Council are hereby authorized and empowered to order, make and levy a rate of assessment on the whole of the inhabitants of the said City of Fredericton liable to be rated and assessed for any rate or assessment within the said City, of a sum not exceeding three thousand dollars in each and every year, as will pay the interest on the Debentures issued under the provisions of this Act, and a sum not exceeding two thousand dollars, as will pay such and so much of the principal sum borrowed as the said City Council may deem expedient, besides the charges of assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied, collected and paid in such proportions and in like manner as any City rates for public charges, only that the tax upon the poll of each inhabitant shall be not less than five shillings, and when collected shall be holden by the City Treasurer for the payment of the said interest, or interest and principal, (as the case may be) exclusively for the purposes of this Act.

10. The moneys so assessed shall from time to time be applied in payment of the said Debentures and the interest due thereon; and the City Treasurer shall, when and so often as he may be directed by the City Council so to do, give one calendar month's public notice by advertisement in one or more of the newspapers of the City for calling in such and so many of the said Debentures, whether due or not, as the said City Council may be prepared to pay off, specifying the number of such Debentures in such

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advertisement, and the same by and under such order as aforesaid shall pay off accordingly; and from and after the expiration of such notice the interest on such Debentures shall cease.