

10. If any Company or Body Corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct the contemplated Railway between Truro in Nova Scotia, and Riviere du Loup in Canada, and shall give such guarantee or assurance that they will complete the same as the several Governments of Canada, Nova Scotia and New Brunswick may deem necessary, the Governor in Council is hereby authorized and empowered, on the part and behalf of New Brunswick, to enter into an agreement, conjointly with Canada and Nova Scotia, with such Company or Body Corporate, for the construction of said Railway, upon the following terms, viz:—That upon completion of such Railway, the Province of New Brunswick shall each and every year for and during the first period of ten years thereafter in which the said Railway shall be effectually worked, pay to the said Company or Body Corporate, a sum which, together with the net earnings of the said Railway, shall be equal to the interest, at the rate of three and a half per centum, on three and one-half twelfths of three millions of pounds sterling: Each and every year for and during the second period of ten years thereafter in which the said Railway shall be effectually worked, a sum which, together with the net earnings of said Railway, shall be equal to the interest, at the rate of three and a half per centum, on three and one-half twelfths of three millions of pounds sterling, but not exceeding in any one year the sum of twenty thousand pounds sterling: Each and every year for and during the third period of ten years thereafter in which the said Railway shall be effectually worked, a sum which, together with the net earnings of said Railway, shall be equal to the interest, at the rate of three and a half per centum, on three and one-half twelfths of three millions of pounds sterling, but not exceeding in one year the sum of twelve thousand pounds sterling: Each and every year for and during the fourth period of ten years thereafter in which the said Railway shall be effectually worked, a sum which, together with the net earnings of the said Railway, shall be equal to the interest, at three and a half per centum, on three and one-half twelfths of three millions pounds sterling, but not exceeding in any one year the sum of six thousand pounds sterling; which said payments shall be and are hereby made a first charge upon the Revenues of the Province next after the Civil List and the debts and liabilities existing at the time of the passing of this Act.

11. In case that no suitable Company or Body Corporate shall offer or be found willing to construct and manage the said Railway, upon terms and conditions provided in the preceding Section, then the Commissioner to be appointed on behalf of this Province shall be empowered to act conjointly with the other Commissioners, to construct the said Road by public tender and contract, in the cheapest and most efficient manner the said Commissioners can devise, and upon the site that shall have been surveyed and approved by the Governments of the three Provinces.

12. When the preliminary surveys shall have been completed in the manner above provided, and the British Government shall have approved of a line and surveys, the work shall commence and be continued simultaneously in each of the Provinces, and such portions, or the whole of the line, shall be immediately put under contract of construction, in sections or otherwise, to be finished at such dates, with such guarantees and securities for completion, as shall be deemed most advisable by such Commissioners.

13. No such loan shall be contracted without the assent of the Legislature, until it shall be satisfactorily made to appear to the Governor in Council, by the estimates and certificates of the Engineers appointed under the authority of this Act, that a first class Railway can be constructed from Truro in Nova Scotia, to Riviere du Loup in Canada, on the line selected, and under the terms of the proffered guarantee.

14. Three of the five Commissioners shall be a quorum for the transaction of business, and in case of disagreement, the decision of a majority shall be binding.

15. No person holding a seat in the Legislature shall become security for the performance of any contract with the Commissioners, or for any work or engagement in relation to the Railway to be constructed, referred to in this Act; and no Member of the Legislature of this Province shall hold the office of Commissioner, or hold or be appointed to any office of emolument under the Commissioners, or be a Contractor or party to any contract arising out of the construction, management or working of the Road, or any part thereof.

16. Where the Road shall pass through Crown Lands, the Governor in Council is hereby authorized to grant, for the purposes of the Road, the necessary Crown Lands for track, sidings, and stations.

17. The Commissioners to be appointed for carrying out the provisions of this Act, when the line shall be constructed, are authorized to make rules and regulations for managing and working the entire line, in conformity with the stipulations in the Memoranda aforesaid mentioned; and so far as the Province of New Brunswick is concerned, such rules and regulations, when approved by the Governor in Council, shall have all the force of law within the boundaries of this Province.

18. If either the Province of Canada or the Province of Nova Scotia shall not legislate within two years after the passing of this Act, providing for the construction of the said Inter-Colonial Railway on the terms of the said Memoranda and Papers in the said Schedule, or some modification of them to be agreed upon by the Legislatures of the three Provinces and the Imperial Government, then this Act, and every matter and thing herein contained, shall, at the end of two years from the passing hereof, be and stand repealed.

19. The Legislature will make such further provisions as may be deemed necessary to give effect to this Act, for the purpose of raising the Loan, paying the Interest, liquidating the Debt, and for the construction and management of the Road.

SCHEDULE IN THE FOREGOING ACT REFERRED TO.

MEMORANDUM A.

The undersigned, representing the three Governments of Canada, Nova Scotia, and New Brunswick, convened to consider the Despatch of His Grace the Duke of Newcastle of 12th April 1862, with reference to the Inter-Colonial Railway; having given the very important matters contained in that Despatch their attentive consideration, are agreed—

I. That whilst they have learnt with very great regret that Her Majesty's Imperial Government has finally declined to sanction the proposals made in behalf of these Provinces in December 1861, and at previous periods, they at the same time acknowledge the consideration exhibited in substituting the proposal of "an Imperial guarantee of Interest towards