

such agreement to be in the name of the Queen, and subject to such securities, clauses and conditions for protecting the public interest, and for securing the due completion of such line or lines of Railway, as the Governor in Council may deem necessary; and as soon as it shall be satisfactorily proved to the Governor in Council, that any such Company or body corporate shall have *bona fide* expended the sum of fifty thousand dollars in actual work on the road undertaken to be built by them, it shall be lawful for the Governor in Council to pay to such Company or body corporate the sum of twenty thousand dollars, being a portion of the said aid, and so in like manner from time to time, *pro rata*, until the whole of the said road so undertaken by the said Company or body corporate shall be fully completed and in efficient operation, with all necessary station houses, and with substantial and sufficient locomotives and other rolling stock for the accommodation of passengers and transportation of merchandize, when the balance of said aid of five thousand dollars per mile, and no more, shall be paid to such Company or body corporate.

5. The moneys payable under and by virtue of this Act shall be paid out of any moneys belonging to the Province, or by the handing over to such Company or body corporate of Provincial Debentures, to be issued as hereinafter mentioned, at par, or out of the proceeds of the sales of Crown Lands made under the authority of this Act, or part thereof in one way, and part the other, as the order or orders of the Governor in Council from time to time made, authorizing any such payment, may direct.

6. For the purposes of this Act, the Governor in Council is hereby authorized from time to time to issue Debentures, payable in the currency of Canada, to be numbered consecutively, with coupons attached, bearing interest at a rate of six per centum per annum, payable semi-annually, in such form, verified and authenticated in such manner, in such amounts not less than five hundred dollars each, and on such conditions, as the Governor in Council may prescribe; the principal of such Debentures to be paid in full at the expiration of thirty years from date to the holders thereof, and to be payable at the office of the Receiver General at Fredericton; and any Debentures so issued shall, if the Governor in Council so direct, be paid as part of the aid in this Act mentioned, at par, to any Company or body corporate agreeing to build any of the said lines, branches or extensions, in lieu of money; and such Company or body corporate shall be bound to accept at par any such Debenture in lieu of money.

7. To further provide funds for the payment of the said subsidy of five thousand dollars per mile for the building of the said lines of Railway, branches and extensions, it shall be lawful for the Governor in Council from time to time after the passing of this Act, to direct that a sale or sales may be made of a portion of the ungranted Crown Lands of the Province, every such sale to take place by public auction at the Crown Land Office, Fredericton, after publication for at least eight weeks in the Royal Gazette of this Province of the time and place of such sale, and such other notice as the Governor in Council may prescribe; and the proceeds of all such sales shall be paid into the Receiver General, and shall be by him carried to a separate account, to be styled "Land Sales Railway Account;" and when any subsidy payment is directed by order of the Governor in Council to be paid out of such proceeds, it shall be so expressed in the

warrant issued therefor, and the amount of every such warrant issued and paid shall be debited by the Receiver General to such account.

8. The Governor in Council is hereby authorized from time to time to appoint during pleasure a fit and proper person as Engineer on behalf of this Province, whose duty it shall be to watch over the interests of this Province in the construction of the several lines of Railway hereinbefore specified, and the said branches and extensions.

9. When any of the lines of Railway in this Act mentioned, or the said branches or extensions, shall pass through Crown Lands, the Governor in Council shall grant for the purposes of such roads necessary Crown Lands for tracks, sidings and stations.

10. That for the purpose of securing the due and efficient completion of all or any of the said lines of Railway or branches or extensions in the first Section of this Act mentioned, any moneys or Debentures advanced or paid to any Company or body corporate under the provisions of this Act, shall attach and stand and are hereby declared to be a primary mortgage or first charge in favor of the Queen, for the benefit of this Province, upon such line or lines of Railway and the branches and extensions undertaken to be built by such Company or body corporate, and upon the stations, station houses, rolling stock and property of every description of such Company or body corporate, and shall attach immediately upon the advance or payment of any portion of the said aid, upon all property owned by such Company or body corporate; and in order to fix and ascertain the amounts from time to time advanced or paid to such Company or body corporate, the President and Treasurer of the same shall deliver to the Receiver General a certificate under their hands stating the amounts so received, which certificate shall be sufficient evidence of such primary mortgage or first charge under this Act; provided always, that on the completion of the road according to the terms of the agreement, such mortgage or first charge shall cease and determine.

11. In order to entitle any Company or body corporate to the benefit of this Act, the survey of the line of Railway, branch or extension which said Company or body corporate may under this Act offer to construct, shall be commenced, and the contract with Her Majesty the Queen for its construction entered into within five years, and the work on such line, branch or extension be *bona fide* commenced within six years from and after the passing of this Act.

12. This Act is also subject to this limitation, that when and so soon as contracts for the building of any of the lines, branches or extensions hereinbefore mentioned, to the extent of three hundred miles, shall have been entered into between any Company or body corporate with Her Majesty the Queen in accordance with the provisions of the fourth Section of this Act, then before entering into any contract for any of the lines, branches, or extensions, (not included in such three hundred miles) the proposal from any Company or body corporate to construct any of such last mentioned lines, branches, or extensions, shall be first submitted to the House of Assembly of this Province.

#### CAP. IX.

An Act to amend the "Common Law Procedure Act 1873."

Sec.	Sec.
1 Judges to hold Circuit Courts, &c., during current year at times appointed.	Judges may either adjourn trial or proceed with it.
2 After twentieth day of August	3 Table of Fees to be taken.
	4 Section 211 of Act 36 Vic. Cap. 31, repealed.