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4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

An Act to amend the Act 23rd Victoria, chapter 105, intituled "An Act relating to the Northern Railway of Canada," so far as relates to the construction of the Branch Line into the Town of Barrie.

(PRIVATE BILL.)

Received and read, first time, Tuesday, 23rd April, 1861.

Second reading, Wednesday, 24th April, 1861.

Mr. MORRISON.

QUEBEC:

PRINTED BY THOMPSON, HUNTER & CO.,
ST. URSULE STREET.

An Act to amend the Act 23rd Victoria, chapter 105, intituled
 “An Act relating to the Northern Railway of Canada,”—so
 far as relates to the construction of the Branch Line into the
 Town of Barrie, and other matters therein mentioned.

WHEREAS the Municipal Corporation of the town of Barrie, have by Preamble.
 their petition to the Legislature represented, that long before the
 passing of the Act of the twenty-second year of Her Majesty's reign,
 intituled “An Act relating to the Northern Railway of Canada,” to
 wit, in the year 1853, the said Corporation entered into an agreement
 with the Railway Company now called the Northern Railway Company
 of Canada, but then called the Ontario, Simcoe and Lake Huron Rail-
 road Union Company, with respect to the construction of a switch or
 Branch Railway from the main line of the Railway of the said Company
 to the said town of Barrie,—that in pursuance of the said agreement
 the said Municipal Corporation on the 27th day of May, 1854, passed
 a By-law for raising the sum of three thousand pounds to purchase the
 right of way for the said Branch Railway, and procured an agreement
 to submit to arbitration to be executed by nearly all the owners of the
 land required for the same;—and that in the year 1855, the Legisla-
 ture at the instance of the said Municipal Corporation and of the said
 Railway Company, passed the Act intituled “An Act to remove doubts
 as to the power of the Ontario, Simcoe and Lake Huron Railroad Union
 Company to construct a Branch Line into the town of Barrie,” with a
 view to the carrying out of the said agreement;—that in the year 1859,
 the said Act intituled “An Act relating to the Northern Railway Com-
 pany of Canada” was passed, vesting the said Northern Railway and
 its appurtenances in the Crown, but with power to the Governor in
 Council, on certain conditions, to re-transfer the same to the Company;
 and that in the year 1860, another Act was passed intituled “An Act
 relating to the Northern Railway Company of Canada,” reciting the
 Act of 1859, and an order in Council made under it re-vesting the said
 Railway and its appurtenances in the said Company on certain condi-
 tions, and confirming the said Order and declaring the said Railway and its
 appurtenances re-transferred to and re-invested in the said Company
 subject to the conditions, clauses and provisions made in and by the said
 order in Council;—that doubts have arisen whether the effect of the
 last mentioned Act and of the Order in Council and recited under it,
 may not be construed as making the said Company a new Com-
 pany, and as preventing or relieving them from being bound by the
 obligation arising out of the agreement with the Corporation of the
 Town of Barrie, first above mentioned, which doubts the said Corpora-
 tion pray may be removed: And whereas, it is expedient to remove the
 same; Therefore, Her Majesty, &c., enacts as follows:

40 I. It was not the intention of the Legislature, by the Act of 1860, Effect of the
said Acts
 last cited, to make the said Northern Railway Company of Canada, a

declared, as
regards the
said Branch
Railway.

new Company, or to prevent or relieve the said Company from being bound by any obligation contracted by the Northern Railway Company of Canada before the passing of the said Act of 1859; and the said Company and the Corporation of the Town of Barrie, are respectively bound by the agreement mentioned in the preamble of this Act, to the same extent and in the same manner and with the same rights respectively, as if the two Acts last cited had not been passed; and the said Act of 1855, authorizing the construction by the said Company of a Branch Line to Barrie, is now in force; and the Board or Share Capital of the said Company and the earnings of the said Railway, may be applied to and with the said Railway, and its appurtenances and appliances, rolling stock and plank, shall be liable for the construction of the said Branch Railway, or any damages which the said Municipal Corporation may recover, or the said Company may be ordered to pay for the non-performance of the said agreement.

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II. This Act shall be deemed a Public Act.