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No. 224.

2nd Session, 6th Parliament, 22 Victoria, 1859.

(PRIVATE BILL.)

BILL.

An Act to incorporate the Ottawa Valley
Railway Company.

Received and read, first time, Friday, 1st April,
1859.

Second reading, Saturday, 2nd April, 1859.

MR. FERRES.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to incorporate the Ottawa Valley Railway Company.

WHEREAS John J. C. Abbott, Isaac Jones Gibb, John Grant, Preamble

J. W. Auld, The Honorable John Molson, John Ostell, J. S. Hunter, James H. Springle, William F. Coffin, J. C. Baker, Alexander Cross, Cortlandt Freer, William Molson, William Murray, William Lunn, and Harry Abbott, purchasers at Sheriff's sale of that part of the Montreal and Bytown Railway lying between Carillon and Grenville on the Ottawa River, or interested in the said purchase, or desiring to promote the enterprise of completing and working that part of the said Railway, have by their petition prayed for an Act of Incorporation; and it is desirable, in order to facilitate the completion of that part of the said Railway, and to afford the public the advantages of keeping the same in operation, and with a view to its continuation, that the prayer of the said petition should be granted, and a Company incorporated with the powers hereinafter specified; Therefore Her Majesty, &c., enacts as follows:

I. John J. C. Abbott, and Alexander Cross, Cortlandt Freer, Isaac Jones Gibb, John Molson, William Molson, William Murray, William Lunn, Harry Abbott, with all such other persons and corporations as shall become shareholders in such Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in name, by and under the name and style of the "Ottawa Valley Railway Company," but for the present and until the continuation of the said railway shall have been provided for in the manner hereinafter mentioned, the name of the said incorporation shall be the "Carillon and Grenville Railway Company." Certain persons incorporated.

II. The first, second, third and fourth clauses of the "Railway Clauses Consolidation Act," and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Lands and their valuation," "Highways and Bridges," "Fences," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Actions for Indemnity," "Fines and penalties and their prosecution," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained. Certain clauses of General Railway Act incorporated.

III. The said Company and their agents and servants, shall have full power under this Act to lay out, complete and finish the present line of Railway between Carillon and Grenville so as to make it extend to the Ottawa River or to convenient wharves or landing places at Company may make road from Carillon to Grenville.

each of the said Carillon and Grenville, at points which they may at any time and times select as proper for the termini of the said Railway, and thereafter if they deem it advisable to construct and complete a double or additional tracks between the aforesaid termini.

And erect
necessary
bridges.

IV. The said Company shall have power to make and construct such bridges as they may require for the purposes of their said railway. 5

May take wild
lands of the
Crown for
Railway
purposes.

V. It shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild lands of the Crown, not heretofore granted or sold, lying on the route of the said railway as may be necessary for the said road; as also so much of the lands covered with the waters of any river, stream, lake, or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes, and other works, as to the Company shall seem meet; And it shall not be lawful for the said Company to construct any wharf, bridge, pier, or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid. 15 20

Form of deeds,
&c.

VI. All deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act may, as far as the title to the said lands or the circumstances of the party making such conveyance will admit, be made in the form given in the Schedule of this Act marked A.

Amount of
capital stock
and number of
shares.

VII. The capital stock of the said Company for the railway between Carillon and Grenville, with the stations, buildings, and all the works therewith connected, shall not exceed the sum of two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such stock, and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards the acquisition in the manner hereinafter directed of that portion of the said railway which has already been constructed, and the lands occupied by the same and the buildings in connection therewith, and also towards the making, completing, and maintaining the said railway and providing it with rolling stock, and other purposes of this Act, and to no other purpose whatever; And five per centum shall be payable on the amount of stock at the time of its subscription, but if not then paid, it shall be due on demand with interest until and unless it may be afterwards differently ordered by the Directors. 25 30 35 40

Application of
money.

Company may
borrow money
on debentures.

VIII. For the purpose of completing the said Railway between Carillon and Grenville, and reimbursing the outlay made upon it since the said purchase thereof, the said Company shall be and are hereby authorized to borrow money upon their debentures to an extent not exceeding the sum of one hundred thousand dollars at any rate of interest not exceeding eight per centum per annum, and the said debentures may be in the form contained in the Schedule B annexed to this Act, or in any 45 50

Form thereof.

other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage or hypothec upon the said Railway and the lands and property thereof, and the registration at full length of a debenture (without the interest coupons thereto attached) 5 in the said form in the Registry Office for the County of Argenteuil, which said registration for the purposes of this Act, and of the loan to be made in virtue thereof, shall be held and deemed to be a special registration of the said Railway and of all the lands and property thereof in each County or locality through which such Railway may pass or lie, 10 shall perfect the mortgage and hypothec created by such debenture as regards all parties whatsoever, and the debenture, and mortgage, and hypothec thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the debenture, and have the effect of mortgaging and charging all the land and property of 15 the said Company without any more formal or particular description, but the description in the said Schedule B shall be held to comprehend all the land and tenements of the said Company, all wharves and buildings of every nature thereon, and in short all the immoveable estate belonging to the said Company, including the rails and iron thereto affixed, any 20 law or usage to the contrary notwithstanding; and such debentures may be made payable either in currency or sterling, and either at any place in Canada or at any place in Great Britain, as the Directors of the said Company may see fit.

And their registration.

IX. If after the registration in a County Registry Office of a debenture 25 of the said Company creating a mortgage or hypothec, such a debenture shall be presented at the Registry Office wherein it was registered with the word "cancelled" and the signature of the President, or other duly authorized Director of the said Company or of the Secretary and Treasurer of the said Company, written across its face, the Registrar or 30 his Deputy on receiving the fee of one shilling and three pence in that behalf and on proof of the cancellation by the oath of one credible witness (which oath the Registrar or his Deputy is hereby authorized to administer) shall forthwith make an entry in the margin of the register against the registry of such debenture, to the effect that the same has been 35 cancelled, adding to such entry the date thereof and his signature, and thereupon the cancelled debenture shall be fyled and remain of record in the said Registry Office.

Their cancellation.

X. And with respect to the registration of the debentures of the said Company and the cancellation thereof,—Be it enacted, 40 that the said Company shall at their own expense deposit in the said Registry Office, wherein such their debentures are hereby required to be registered, blank debentures in the form of the schedule annexed to this Act without its being necessary to add the coupons thereto, bound together in a book and having the pages 45 thereof numbered and signed by the Secretary of the Company, and thereupon the Registrar and his Deputy shall be bound to receive and retain the same as one of the registry books of his office, and to register therein the said debentures of the Company instead of registering them in the ordinary registry books of the office, receiving for the registration of 50 each such debenture, and the certification of such registration thereon written, a fee of one shilling and three pence and no more, any ordinance or law to the contrary notwithstanding.

Manner and cost of registration.

- First general meeting.** XI. Any three of the persons named in this Act shall have power to open stock books and receive subscriptions of stock for the said Company and receive payment on account of such stock, and within one month after this Act shall be passed, a general meeting of the shareholders shall be held at the City of Montreal for the purpose of putting this Act into effect, which meeting shall be called by any three of the persons named in this Act, ten days notice thereof being given by advertisement in one of the newspapers of the said City of Montreal, at which meeting the shareholders present having paid five per cent on their stock subscribed, shall either in person or by proxy choose five Directors in the manner, and qualified as hereinafter mentioned, who together with the *ex officio* Directors as provided by the Railway Clauses Consolidation Act, shall hold office until the first annual general meeting for the election of Directors, and until others are elected in their stead. 5
- Election of first Directors.** XII. On the second Monday in January in each year, at such place as may be appointed by a By-law of the said Company, and in default thereof at such place as may be specified in the notice thereof, a general meeting of the shareholders shall be held for the transaction of business and the election of Directors, of which meeting two weeks notice shall be given in one of the newspapers published in the City of Montreal, and thereat there shall be chosen five Directors from among the stockholders having each ten shares of the capital stock of the said Company, which amount of stock shall constitute the qualification of a Director, and the manner of voting for Directors shall be by ballot unless otherwise determined by the meeting, and if a vacancy shall at any time occur among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and three Directors shall form a quorum for the transaction of business. 10 20 25
- Annual general meetings.** XIII. The stock which may be subscribed for by Municipal Corporations shall be represented by the Mayor, Warden or Reeve, from time to time being of such Municipal Corporations subscribing to the said railway or by such persons as shall be appointed by resolution of such Municipal Council respectively. 30
- Vacancies among Directors.** XIV. Each shareholder shall be entitled to a number of votes equal to the number of shares which he or they shall have held in his or their name, at least three weeks previous to the time of voting; Provided always, that no party or parties shall be entitled to vote at the meetings of shareholders who shall not have paid up all the calls due upon his, her or their stock, or the stock upon which such party claims to vote. 35 40
- Mayors, &c., to represent Municipal Corporations.** XV. It shall and may be lawful for the Directors at any time to call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, in such proportions as they may see fit, so as no instalment shall exceed ten per centum on the amount of each share, giving at least one month's notice for each call in such manner as they shall appoint. 45
- Scale of votes.** XVI. It shall and may be lawful for the President and Directors of the said Company, from time to time, to fix and regulate the tolls and charges to be received for the transmission of property and persons on the said Railway. 50
- Proviso.**
- Instalments.**
- Tolls.**

XVII. In case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime such goods shall be at the risk of the owner, as provided in the said "Railway
 5 Clauses Consolidation Act," and if such goods be of a perishable nature, the said Company shall have the right to sell the same forthwith on the certificate of the two competent persons establishing the fact of their being so perishable, and if such goods be not of a perishable nature, and shall remain unclaimed for a period of twelve months, it shall be lawful
 10 for such Company after giving one month's notice in two newspapers published at or nearest the locality where such goods may be, to dispose of the same by public auction, and to hand over to the owner the produce of such sale, if he shall claim the same after deduction of the said tolls, freight, and of the expenses incidental to any such sale.

Collection of tolls on freight by seizure and sale.

XVIII. The said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than *twenty-five pounds*, and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the President of the Company or Vice-President, and countersigned by the Secretary and
 20 Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding upon the said Company, and every such promissory note so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such after the passing of this Act, shall be presumed to
 25 have been properly made, drawn and accepted, as the case may be, for the Company until the contrary be shewn, and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing
 30 any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the notes of a Bank.

Company may become parties to promissory notes, &c.

Proviso.

XIX. The said Company shall have the right to purchase, take, hold, and subscribe for stock in any other Railway or Steamboat Company, as they may consider conducive to the interests of the said Company, and the Directors of the said Company may authorize one or more person or persons to vote upon such stock at any meeting of such Railway or
 40 Steamboat Company.

Company may take stock in other Companies.

XX. It may and shall be lawful for the said Company to cross, intersect, join and unite the said Railway with any other Railway at any point on its route, and upon the lands of such other Railway with the necessary conveniences for the purpose of such connection, and the owners of both Railways may unite in forming such
 45 intersection and in granting the facilities therefor, and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossings and connection, the same shall be determined by arbitrators to be appointed by two Judges of the Superior
 50 Court in Lower Canada, or by two Judges of the Superior Courts of Common Law in Upper Canada; and such Judges are hereby authorized and empowered to make such appointment, and the award of such

May cross or unite with other Railways.

Arbitrators.

arbitrators or of a majority of them shall be final and binding upon all parties interested therein.

May agree with other Companies for lease of Railway or property.

XXI. It shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province or in any foreign State for leasing the said Railway or any part thereof, or the use thereof, at any time or times, to such other Company, or for leasing or hiring out to such other Company any locomotives, cars, carriages, tenders or other moveable property of the said Company, either altogether or for any time and times, occasion or occasions, or for leasing or hiring from such other Company any Railroad or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any locomotives, cars, carriages, tenders or other moveable property, or for using either the whole or any part of the said Railroad, or of the moveable property of the said Company, or of the Railroad and other moveable property of such other Company in common by the two Companies, or generally to make any agreement with any such other Company touching the use by one or other or by both Companies of the Railroad or moveable property of either or of both or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof.

May effect a junction with other Companies.

XXII. And whereas it may conduce to the interests of the said Railway Company hereafter to unite and form a junction with other Railway Companies: Be it enacted, that it shall be lawful for the said Ottawa Valley Railway Company, or the said Carillon and Grenville Railway Company at any time hereafter to form such union and junction upon such terms and conditions as may be agreed upon at a general meeting of the stockholders of the said Company specially convoked for that purpose by a majority of such stockholders, and thereafter the Companies so united shall form one and the same Company.

May make agreements respecting fences, &c., along the line.

XXIII. The said Company may agree with any proprietor and proprietors of land over whose property the said Railway may go, as to the making and keeping up of the fences separating the said Railway from such lands, and as to the making and keeping up of any gates, bridges, culverts, crossings or cattle guards, and as to the consequences of the neglect of keeping the same, or any of them, in repair, and such agreement being registered in the Registry Office for the County wherein the land is situate shall be binding as well on the proprietors of such land as on their successors according to the tenor and purport of such agreement.

Price at which Railway, &c, is to be assumed and purchased by Company to be determined by arbitration.

XXIV. Either at the first meeting of the shareholders, to be called in the manner above directed, or at any special meeting of shareholders, those of the shareholders having no share or interest in the aforesaid purchase of the said Railroad, lands and appurtenances, shall by a separate resolution name an arbitrator, and the said purchasers of the said Railway lands and appurtenances shall name another arbitrator to determine the price at which the said Railway lands and appurtenances shall be taken and assumed by the Company hereby formed, and the said arbitrators shall have the power in case of disagreement to name

a third, which said arbitrators or a majority of them, in case of the nomination of a third, shall determine the said price and the terms of payment and other such matters in connection therewith as the parties may agree to submit to them, and in the case of a failure of an award
 5 by reason of any one or more of the arbitrators failing or refusing to act, or from any other cause, the nominations may be repeated from time to time, until an award is had, and such award shall be final and conclusive, and obligatory upon the parties to the same extent as if they had made a voluntary deed to the same purport and extent, with full
 10 power and authority to do so, and on the same being registered in the Registry Office for the County of Argenteuil, or on the registration of any voluntary deed made in conformity therewith, or with such modifications and additions as the parties may agree to, the said Railway, lands and appurtenances shall be vested in and become the absolute
 15 property of the Company hereby formed, subject to the conditions imposed by such award and voluntary agreement, if any, and especially subject by privilege of *baillieur de fond* to the payment of the price and other conditions imposed by the said award and voluntary agreement in preference to all others save the obligations which may have been
 20 previously imposed thereon by the persons so interested in the said purchase, and nothing herein contained shall prevent the said parties from making a voluntary agreement for such acquisition without an award of arbitrators, which voluntary agreement, if so made, shall be binding according to its tenor and purport, and shall be subject to registration in the Registry Office for the County of Argenteuil.
 25

XXV. If at any time within three years after the passing of this Act, the enterprise of the Montreal and Bytown Railway Company, as incorporated under the statute 16 Vict., cap. 103, and the Acts amending the same, or any other enterprise to be hereafter incorporated by the
 30 Legislature, having in view the uniting of the Cities of Montreal and Ottawa by Railway communication be resumed, or if within the said period the Government of this Province should desire to acquire the property of the said Company hereby incorporated, then such Montreal and Bytown Railway Company, or such other enterprise, or the Govern-
 35 ment of this Province, shall have the power to take and acquire the whole of the Railroad, rolling stock, land, buildings and appurtenances of the said Company incorporated under the present Act on repayment to the said Company of their outlay in, about and respecting the acquisition of the same, and in and about the completion and improvement
 40 thereof, together with legal interest thereon from the time of such outlay, and also together with 12½ per centum upon such outlay, and if within the said period of three years the said enterprise of the Montreal and Bytown Railway Company, or any other enterprise having in view the uniting of the Cities of Montreal and Ottawa by Railway shall not be
 45 resumed, or if within the said period the Government of this Province do not exercise the privilege hereby conferred upon them, then on the condition hereinafter specified, the said Company hereby incorporated shall have the additional powers hereinafter mentioned, to wit :

XXVI. If within five years after the passing of this Act, the Com-
 50 pany hereby incorporated shall, for the continuation of said Railway procure to be subscribed capital stock to the amount of an additional sum of *eight hundred thousand dollars*, making in all the capital stock of *one million of dollars*, and shall have paid in a sum equal to ten per centum

Montreal and
Bytown R. R.
Co., or the
Government
may purchase
road within
three years
on certain con-
ditions.

On what con-
ditions Com-
pany may
assume title of
"Ottawa
Valley Rail-
way Co."

upon their said total capital stock, they shall then assume the said name of the "Ottawa Valley Railway Company," and shall cause a declaration to that effect under the signature of the President, to be registered in the Registry Office for the County of Montreal, and thereupon they shall be called and known by that name to wit, the "Ottawa Valley Railway Company," and shall be a body corporate and politic in fact and in name, with all and every the powers hereinbefore and hereafter granted and conferred.

Said last Company to have powers conferred by this Act.

XXVII. The said Ottawa Valley Railway Company shall have all the powers as hereinbefore conferred by this Act, and the said powers shall also be extended to the said continuation of the said Railway in the same manner as if it had been included and formed a part of the said Railway between Carillon and Grenville, and they shall in addition have the following powers, viz. :

And also to make a road from City of Ottawa to Montreal or Point Claire.

1. They shall have full power and authority by themselves, their agents, and servants, to lay out, construct, make and finish a double or single iron Railroad or way at their own cost and charges on and over any part of the country lying between Carillon and Point Claire, so as to unite their Railroad between Carillon and Grenville with the Grand Trunk Railway at Point Claire aforesaid, or at their option, over any part of the country lying between Carillon and any point on the northern bank of the river forming the Northern boundary of the Island of Montreal, so as to unite their said Railway with the North Shore Railway or with any Railway connecting the cities of Quebec and Montreal.

But only in the event of \$1,000,000 capital stock being subscribed.

2. They shall have the power to lay out, construct, make and finish a double or single iron Railway at their own costs and charges on and over any part of the country lying between Grenville aforesaid, and any part of the City of Ottawa, with power to construct such branches as they may require not exceeding ten miles in length each; Provided always, that no such Railway shall be commenced or proceeded with unless a further amount of capital stock in the said Company, to wit, to the extent of at least one million of dollars, be subscribed for and taken in the said Company, and until the ten per centum on such capital stock be paid in and realised.

They may erect requisite bridges.

3. To construct any such bridges as they may require over the said River Ottawa and the River Jesus, and such other rivers as they may find it necessary to cross, at such places as may be deemed convenient; Provided always, that they do not obstruct or impede the free navigation of any river, stream or canal, and they shall be bound to leave such opening between the piers of their bridges, and construct such swing bridges and be subject to such regulations, in respect thereof, as the Governor in Council shall see fit to appoint.

Company may borrow a further amount on debentures, in the event of extension of road.

XXVIII. In the event of the said Company undertaking the extension of their said Railroad to Point Claire, or to the northern bank of the said river, forming the northern boundary line of the Island of Montreal, they shall be authorised to borrow, on the debentures of the Company, money to the extent of the additional sum of *five hundred thousand dollars*, and in the event of their undertaking to construct the said Railroad from Carillon aforesaid to the City of Ottawa, to borrow on the debentures of the Company, money to the extent of the addi-

tional sum of *five hundred thousand dollars*, but no derogation shall be thereby permitted to any privileges or mortgages previously secured upon that part of the said Railway lying between Carillon and Grenville, known as the Carillon and Grenville Railway, and the debentures, in the event of such extension, may be in the form of the Schedule B. annexed to this Act, making the necessary changes in the name of the Corporation and the description of their immoveable or real property.

10 **XXIX.** So soon as the whole of the said Railway from Ottawa aforesaid to the point selected for its eastern terminus shall be completed, such debentures so issued under the last preceding section, shall have no rank or priority the one over the other, but shall have an equal lien and privilege upon the whole of the said Railway from Ottawa aforesaid to its extreme eastern terminus, saving only the privileges and mortgages on the Carillon and Grenville Railway, excepted in the last preceding section, but until such Railway be so completed, such debentures shall respectively have a first lien and privilege upon that portion of the said Railway in aid of which they shall be issued by preference over the debentures issued in aid of any other portion thereof.

20 **XXX.** The interpretation Act shall apply to this Act, and this Act shall be deemed a public Act.