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No. 190.

3rd Session, 6th Parliament, 23 Victoria, 1860.

BILL.

An Act to amend and extend the Act incorporating the Carillon and Grenville Railway Company.

PRIVATE BILL.

Received and read 1st time, Tuesday, 17th
April, 1860.

Second Reading, Thursday, 19th April,
1860.

Mr. ABBOTT.

QUEBEC.

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

An Act to amend and extend the Act to incorporate the Carillon and Grenville Railway Company.

WHEREAS the Carillon and Grenville Railway have, by their Petition, prayed for certain amendments to their Act of Incorporation empowering them to extend their said Railway and to build certain branch Railways, and for other purposes, and it is desirable that such Petition should be granted : Therefore, Her Majesty, &c., enacts as follows :—

Preamble.

2. The several clauses of "The Railway Act" with respect to "Plans and Surveys" shall apply to the said Act and to this Act ; And the several clauses of the Railway 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.

Certain clauses of The Railway Act incorporated.

3. In addition to the powers conferred upon the said Company by the said Act, the said Company shall have power 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 Jesus or of the Rivière des Prairies, so as to unite their said Railway with the North Shore Railway or with any Railway connecting the cities of Quebec and Montreal :

Company may unite their Railway with Montreal.

2. They shall also 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 ; and to construct any such bridges as they may require over the 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 openings 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.

And extend it to Ottawa and make branches, &c.

Proviso.

4. The extensions of the said road hereinbefore provided for shall be commenced within five years from the passing of this Act and be finished within ten years thereafter.

Period for completion of works.

5. The Capital Stock of the said Company shall be increased by the sum of one million eight hundred thousand dollars, in shares of one

Capital Stock increased.

hundred dollars each ; and neither of the said extensions shall be commenced until one-half of the said additional stock shall have been subscribed, and five per cent. thereof paid up ; and both of the said extensions thereof shall not be commenced until the whole of the said additional stock shall have been subscribed, and five per cent. thereof paid up. 5

Name of Company may be changed.

6. As soon as the said Company shall be prepared to commence either of the said extensions, it shall be lawful for the Directors of the said Company to change the name thereof to that of the "Ottawa Valley Railway Company," and they shall cause a declaration to that effect, under the signature of the President, to be entered 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 : but such change of name shall not affect any of the rights or liabilities of the said Company, or of any person or persons contracting or having contracted therewith. 10 15

Company may borrow certain amounts on debentures, in certain cases.

7. In the event of the said Company undertaking the extension of their said Railroad to Point Claire, or to the northern bank of the river *Jesus*, or of the *Rivière des Prairies*, they shall be authorised to borrow, on the debentures of the Company, money to the extent of the additional sum of *four hundred and fifty 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 additional sum of *four hundred and fifty 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, unless by the consent of the holders of such privileges and mortgages, and the debentures, in the event of such extension, may be in the form of the Schedule A annexed to the said Act, making the necessary changes in the name of the Corporation and the description of their immoveable or real property, and the provisions of the Act incorporating the said Company applicable to the execution of such debentures and to the manner, expense and effect of the Registration thereof and of the cancellation thereof, shall apply to the debentures issued under the provisions of this Act. 20 25 30 35

As to priority of such debentures.

8. 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 is 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. 40 45

Company may unite with other Railways.

9. 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 intersection, and 50

- 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 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 arbitrators, or of a majority of them shall be final and binding upon all parties interested therein.
- 10 **10.** No Map, Plan, or Book of Reference, as specified in the 10th Section of The Railway Act shall be necessary for the completion of the said Carillon and Grenville Railway, and lands and property may be taken for that purpose without reference to any such Plan or Book; but the Plan or Book heretofore made and deposited for the Montreal and Bytown Railway Company, may be referred to for all the purposes of the said Railway; provided always, that the said Carillon and Grenville Railway do not depart in a lateral direction more than half a mile from the existing line, and do not extend beyond a mile further at each end of the said existing line.
- 20 **11.** No rights or claims of any party referred to in the 19th and 21st Sections of the Act 22 Vic., c. 96, respecting the Carillon and Grenville Railway Company, shall be in any manner prejudiced by anything contained in the said Act, or in the present Act, save that any and all proceedings to question or set aside the Sheriff's sale therein referred to must be commenced within the time specified in the said 21st Section, after the lapse of which time no such proceedings will be valid, or in any way affect the said Sheriff's Sale, which shall then be held good and valid to all intents and purposes.
- 30 **12.** The sixth Section of the said Statute, 22 Vic., c. 96, is hereby amended in the following particulars, to wit: the Capital Stock of the said Carillon and Grenville Railway Company shall be divided into Four Thousand Shares of fifty dollars each, and each of the subscribers to the said Capital Stock before the passing of this Act shall be entitled to two Shares of fifty dollars each for each Share of one hundred dollars subscribed.
- 40 **13.** Shares may be subscribed for on the Capital Stock of the said Railway, specially made payable in work or labor, or in land, or in materials for the building thereof; and if such work and labor, land or materials, as the case may be, requisite in the opinion of the Engineer of the Company for the building of said Railway, be tendered and furnished as the progress of the works may require, at the rate at which the same could be had for cash, the same shall be accepted in payment of said shares of Capital Stock, otherwise the said Capital Stock shall be payable in money, the same as if it had not been so specially subscribed.
- 50 **14.** All and every the clauses of the said Act incorporating the said Company shall apply to this Act and to the extended lines of Railway herein provided for; and the said Act and this Act, in so far as their terms are not opposed, shall be construed and enforced as if they together formed but one Act.
- 15.** The Interpretation Act shall apply to this Act, and it shall be a Public Act.

Maps, plans, &c., for completion of road not required.

Rights of certain parties saved.

Amount of shares changed.

Shares may be payable in work, &c., in certain cases.

Former Act to form part of this Act.

Public Act.