

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbishire & George Desbarats, 1857.

20 Victoria – Chapter 144

An Act to amend and extend the Charter of the Brockville and Ottawa Railway Company. Assented to 10th June, 1857.

Whereas the Brockville and Ottawa Railway Company have by their Petition prayed for further amendments to their Act of Incorporation, and that the time for the construction of their Railway may be extended, and for other purposes, and it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The Brockville and Ottawa Railway Company shall have full power, and they are hereby authorized, to make and construct and to work and use a Branch Railway from such point on the main line of the Brockville and Ottawa Railway to appoint near the station grounds and house of the Grand Trunk Railway Company of Canada in Brockville as they shall find most suitable; and all the privileges, powers, rights and incidents vested in or appertaining to the Company with regard to their said Railway, and all the duties and obligations imposed upon them with regard to the same, by the Act incorporating the Company and the Acts amending the same, and all the provisions of the said Acts and of this Act, which are susceptible of such extension, shall extend and apply to and be in force with regard to such Branch Railway as fully and effectually as to the said Brockville and Ottawa Railway, to all intents and purposes, and the said Acts shall be construed, extend and have effect, as if the said Branch Railway had been mentioned and described in the said Act of Incorporation as part of the Railway and works which the Company were thereby empowered to construct; Provided that such Branch shall not cross or connect with the Grand Trunk Railway without the consent of the said Grand Trunk Railway Company of Canada.

II. And whereas it is necessary for the Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along their line of Railway and Branches thereto, for supplying ballast, constructing and keeping in repair and for carrying on the business of the said Railway; And whereas such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; And whereas the Company have been obliged to purchase certain pieces or lots of land on account of the deposits of gravel thereon, which the Company require for the construction of the said Railway; And whereas doubts may be entertained to what extent the Company may lawfully acquire and hold lands for such purposes as aforesaid: It is therefore enacted, that it has been and shall be lawful for the Company, and they are hereby authorized to purchase, have, hold, take, receive, use and enjoy, along the line and branches of the said Railway, or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it hath pleased or shall please Her Majesty or any person or persons or bodies politic to give, grant, sell, or convey unto and to the use of or in trust for the Company, their successors and assigns; and it shall and may be lawful for the Company to establish stations or workshops on any of such lots-or blocks of land, and from time to time by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such

lands not necessary to be retained for gravel pits, sidings, branches, wood yards, station grounds, or work shops, or for effectually repairing, maintaining or using to the greatest advantage, the said Railway and other works connected therewith.

III. The time limited to the Company for the completion of the said Railway from Brockville to Amprior at or near the mouth of the Madawaska River, and also a branch thereof from the Rideau at or near Smith's Falls, to the Town of Perth, and all other branches thereof, is hereby extended to three years from the time of the passing of this Act; Provided always, that if the said Brockville and Ottawa Railway Company form part of the Lake Huron, Ottawa and Quebec Junction Railway Company for that part of their road extending from Amprior to Pembroke, then the said Brockville and Ottawa Railway Company shall build fifty miles or any portion thereof of their road from Amprior upwards, on the same conditions as the other four Companies mentioned in the Act nineteenth and twentieth Victoria, Chapter one hundred and twelve, and shall have a share of the four millions of acres of land in the proportion which those fifty miles, or the proportion thereof above mentioned, bear to the three hundred and fifty-four miles, by making in the forest, in the same proportion as the other said four Companies, the remainder of the road extending to the Georgian Bay.

IV. And whereas the Company have by their By-law authorized the issue of bonds or debentures of the Company limited to three hundred and fifty thousand pounds sterling, in the form given in the Schedule to this Act, marked A, (in the place and stead of bonds in the form heretofore used,) and which on their face purport to be debentures of a certain class, namely, second class debentures, limited in issue to three hundred and fifty thousand pounds sterling, and to be a second charge upon the road tolls, revenue, and other property of the Company, subject to the first charge in favor of certain Municipalities, and it is expedient to affirm the validity, negotiability and security of the said bonds or debentures of the Company, executed or to be hereafter executed in the form given in the said Schedule to this Act, to the extent of not exceeding three hundred and fifty thousand pounds sterling: It is therefore enacted, that the said bonds or debentures of the Company now or hereafter to be executed and issued by the Company in the form given in the said Schedule to this Act, marked A, to the extent of not exceeding three hundred and fifty thousand pounds sterling, shall be and are hereby declared to be valid and binding upon the Company according to the tenor and purport thereof respectively, and are and shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

V. And whereas under the provisions of the Act of this Province, passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, the several Municipalities hereinafter named have passed By-laws respectively authorizing the loan to the Company towards the construction of the said Railway, of the following amounts, that is to say: The Town Council of Brockville, one hundred thousand pounds currency; the Municipality of the Township of Elizabethtown, fifty thousand pounds currency; and the Municipal Council of the United Counties of Lanark and Renfrew, two hundred thousand pounds currency; And whereas such loans were respectively authorized to be made upon condition that the Company should assume all the liabilities of the said Municipalities in respect thereof under the said Loan Fund Act, and should indemnify and save harmless the said Municipalities respectively in the premises, and that the railway, tolls, revenues and other property of the Company should stand mortgaged and pledged to the said

Municipalities respectively, in preference to all other creditors; And whereas a mortgage bearing date the seventh day of March, one thousand eight hundred and fifty-four, has been executed by the Company to the said several Municipalities, in common, purporting to give them the security hereinbefore named; And whereas the right of way not having been acquired at the time of the execution of the said mortgage, doubts have arisen as to the sufficiency of the said security at law, and it is desirable and the wish of the Company to have affirmed the validity of said mortgage, as well as all subsequent mortgages given, and which may be given by the Company to the said Municipalities in common for the like purpose, and to have such security defined by Legislative enactment with a view of securing the said Municipalities respectively as fully as possible: It is therefore enacted, that the said intended Railway from Brockville to Pembroke, including the Perth branch and all the other branches thereof, and all the works of the said Company thereon, now or hereafter to be made, together with all lands acquired for ballast ground or on account of deposits of gravel thereon, and all stations, buildings, carriages, engines and other property attached to or to be attached to or belonging to the said intended Railway and branches, and all the revenues and tolls of the said intended Railway and branches, are hereby declared to be mortgaged and pledged to the said Municipalities respectively in preference to all other creditors (in such manner as that no one Municipality shall have preference or priority over another, but shall all share alike and in proportion to the amounts of their said loans respectively so authorized to be made as aforesaid, and in manner as provided by the said mortgages) for the redemption and repayment of the said loans respectively, according to the terms of the said Bylaws and the provisions of the said Consolidated Municipal Loan Fund Act, and in accordance with the terms of the said mortgages; and the said mortgages so made or to be made as aforesaid for securing the said loans, are hereby declared to be and shall be good, valid and obligatory upon the parties thereto executing the same, according to the tenor and purport thereof; Provided that nothing in this section or in this Act contained shall be interpreted as affecting in any manner the rights and security of the Province, with respect to the loans made by the above named Municipalities to the Company under the Act firstly above recited in this section; Provided also, that the Act of this Province passed during the present Session relating to mortgages of personal property in Upper Canada, shall not apply to the said mortgages of the Company or to the property covered or to be covered by them.

VI. Scrip for paid up shares of stock of the Company may be issued to bearer and may be transferred by delivery thereof; and all bonâ fide holders of scrip for paid up shares of stock of the Company shall be entitled to receive their share of the profits of the Company, and shall be entitled to vote in respect of the shares held by them, upon the scrip being produced, which shall then be registered in the name of such holders respectively in the books of the Company.

VII. The expression "the Company" in this Act, shall always mean the Brockville and Ottawa Railway Company.

VIII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Schedule A.

Capital, £1,000,000 stg.
£100 stg.

Province of Canada.
Brockville and Ottawa Railway Debenture.

Capital, £1,000,000 stg.
£100 stg.

No. Transferable. No.

Issue limited to £350,000 Cy.

The Municipalities through which the road passes have, loaned the Company £350,000 cy., being equal to £288,000 stg. This sum is repayable under the provisions of "The Consolidated Municipal Loan Fund Act for Upper Canada," which requires that beside interest, two per cent. per annum for twenty years shall be paid in liquidation and discharge of this claim, and which with interest is now provided for and being paid. Subject to this claim, the lands, tolls, revenues and other property of the Company are, under the provisions of "the Railway Clauses Consolidation Act" pledged and mortgaged for the due payment of these debentures limited in issue as above.

The Brockville and Ottawa Railway Company hereby promise to pay to _____ or bearer, the sum of one hundred pounds sterling, twenty years from and after the first day of January, one thousand eight, hundred and fifty-seven, likewise interest at the rate of six per cent, per annum, to be paid on the first days of January and July in each year, upon presentation of the proper coupons hereunto attached, at the office of _____ in London.

Signed _____ and dated at Brockville, the _____ day of _____, one thousand eight hundred and _____.

Treasurer. (L. S.) President.