

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbshire and George Desbarts, 1854.

18 Victoria – Chapter 186

An Act to amend the Acts incorporating the Cobourg and Peterborough Railway Company, and to authorize the construction of a Branch thereof to Marmora. Assented to 30th May, 1855.

Whereas a Petition has been presented by the Cobourg and Peterborough Railway Company praying that they may be permitted to construct a Branch thereof to Marmora, and it is expedient to grant such prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. The said Company and their servants and agents shall have full power under this Act to lay out, construct, make and finish the whole or any part of a double or single iron Railroad, with a flat or heavy rail, or a tram road, at their own cost and charges, from the Marmora Iron Works, in the Township of Marmora, in the County of Hastings, and the ore beds in the Township of Belmont, in the County of Peterborough, to the Main Line of the Cobourg and Peterborough Rail way, at such point in the Township of Otonabee, or the Township of Hamilton, as may be found most expedient and economical, and to cross the Rivers intervening at such and so many places as to them shall seem advisable; and to such Branch Line all the provisions of the Acts incorporating the said Company, as amended by any subsequent Act or this Act, and all the powers vested in the Company by the said Acts shall extend as fully and effectually as to the Main Line of the said Railway.

II. The Capital Stock of the Company shall be increased to Three Hundred Thousand Pounds currency, to be divided into Thirty Thousand shares of Ten Pounds each, which amount, or a sum sufficient for the construction of the said Railway and its branches, shall be raised by the said Company above named, together with such persons and Corporations as may become subscribers towards such stock: and the said money so raised shall be applied for the purposes of this Act and the said former Acts, and in the manner provided by the said Act incorporating the said Company: Provided always, that the said Company shall cause books of subscription to be opened in the town of Cobourg for thirty days, for receiving the subscriptions of persons willing to become subscribers for the new stock, and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said town, as the majority of the directors may think proper, of the time and places at which such books shall be opened and ready for receiving subscriptions as aforesaid and the persons authorized by them to receive such subscriptions, and the Bank into which the ten per cent, thereon is to be paid, and the time hereinafter limited for such payment, and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing

of the said books, into the Bank of Upper Canada or any of its branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as members of the said Company; Provided also, and it is hereby enacted, that such ten per cent, shall not be withdrawn from the said Bank, or otherwise applied except for the purposes of the said Railway Company, in the construction of the said branch, or upon the abandonment thereof; and the said Company shall not proceed with the construction of such branch Railway or Tram road until Capital Stock to the amount of One Hundred and Seventy-five Thousand Pounds, being the amount which it is supposed it will be necessary to raise for the construction of the said road, shall first be subscribed, and ten per centum thereon shall be paid as in this proviso contained; Provided also, that any municipality taking or holding shares in the said Company to a sufficient amount, shall be entitled to an *ex officio* director therein under the provisions of the Railway Clauses Consolidation Act, but no Head of any Municipal Council, or other Officer or person in behalf thereof, shall be entitled to vote at any election of Directors of the said company, upon or in respect of such stock.

III. And whereas the Capital Stock of the said Company was originally limited to One Hundred Thousand Pounds and notwithstanding such limitation the Town Council of the Town of Cobourg subscribed for stock in the of One Hundred and Twenty-five Thousand Pounds besides subscriptions to the amount of Four Thousand Pounds or thereabout, of stock taken and subscribed by private individuals, and a question may arise as to the legality of the subscription of stock by the said Town Council to the extent of fifty thousand pounds subscribed under the last two By-laws passed by such Council, and as to the validity of the two last mentioned By-laws; And whereas, it is expedient, to remove any doubts that may exist: Be it therefore enacted, that the said By-laws are and they are hereby declared to be legal and binding and effectual as if such Capital Stock of the said Company had not been limited as aforesaid.

IV. It shall be lawful for the Directors of the said Company to make and carry into effect any arrangements which they shall deem meet with any other Railway Company, or Steamboat Company, respecting the carriage of freight or passengers, or the working of their Railway or other such Railway, or otherwise, or respecting the lolls to be charged for the carnage of freight or passengers thereon.

V. Upon any Branch Line of feeder other than the line from Cobourg to Peterborough, the Railway may be constructed in a less expensive manner than upon the Main Line of Railway, and the flat rail may be constructed in a less expensive manner than upon the Main Line of Railway, and the flat rail may be used thereon, or a tram road may be constructed in in lieu thereof; any thing in the Railway Clauses Consolidation Act or any other Act to the contrary notwithstanding.

VI. It shall be lawful for the Directors, if authorized by any general meeting of the Shareholders to be called for the purpose, to enter into and make arrangements with the Directors of any Railway Company now or hereafter to be chartered in any part of this Province, for the union, junction and amalgamation pi the said Company with any other Railway Company or for the lease or purchase of the Railway of such other Company, or for the sale or lease of this Railroad to such other

Company or individuals or association of persons, by mutual agreement with such Company or persons, and the Capital Stock of any Companies so united shall become the Capital Stock of the Company formed by their union, and be controlled and managed as such.

VII. The gauge of the said Railway shall not be broader or narrower than five feet six inches.

VIII. It shall and may be lawful for the said Company with the sanction of the Governor in Council, to take and appropriate for the use of the said Railway so much of the land covered with the waters of the Rivers Trent, Beaver Creek, Belmont and Marmora Lakes and their tributaries, and of any stream or of their respective beds, as may be found necessary for the making, perfecting, or more completely using the same, and thereon to erect any wharves, quays, inclined planes, cranes and other works as the said Company shall deem meet; and whenever the said Railroad shall be carried across the River Trent or any other navigable river, the Company shall leave openings between the piers of their bridge or bridges, viaduct or viaducts over the same, so as to interfere as little as possible with the use and navigation of the said Rivers or Waters as now enjoyed.

IX. Nothing in this Act or the Act sixteenth Victoria, chapter two hundred and forty-two, section five, shall authorize or empower the said Company to give a preferable charge on the Main Line of Railway of the said Company from Cobourg to Peterborough, over any bond or mortgage or debentures made or issued by the said Company prior to the passing of this Act.

X. The said Branch Railway shall be commenced within two years, and be completed within five years after the passing of this Act.

XI. This Act shall be deemed a Public Act.