

Privy Council Railway Committee 28 October 1892
Application by OA&PS for approval of plans and profiles attached of a proposed
overhead crossing of the St. Lawrence and Ottawa Railway (Canadian Pacific) in
Dalhousie ward in the City of Ottawa.

Mr. Christie, for the OA&PS, said he understood the only dispute between the two companies was that the CPR wanted the opening between the abutments to be 100 feet while his company proposed 40 feet. The StL&O was a small line running from Ottawa to Prescott with a single track and he submitted the width of the opening was quite sufficient for all of the purposes of the railway. The crossing was virtually at right angles. He referred to similar crossings of important roads in Canada and the United States which had openings about the same width and some even less. He had been unable to find any place where there was a width of 100 feet.

Mr. Clark, for the CPR, said the CPR opposed most earnestly an overhead rail crossing unless it had a clear span over the track. His company had experienced great difficulty in different places because ample space was not provided for originally. There was no engineering trouble in making the bridge a clear span. OA&PS expect to save money by putting pillars on the CPR but which would be serious obstacles to the latter company. One company should not be allowed to interfere unnecessarily with the land required for railway purposes by another railway. OA&PS had not been fortunate in their inquiries about the span of bridges on other roads.

Mr. Shaunessy, for the CPR, said the width of the road to be crossed was 99 feet.

There was discussion of the additional costs incurred with a wider span and for an iron bridge as compared with a wooden one.

Committee preferred to give its decision in a few days.

Privy Council Railway Committee 22 November 1892
Continued discussion on application by OA&PS for approval of plans of a proposed
overhead crossing of the St. Lawrence and Ottawa Railway (Canadian Pacific) in
Dalhousie ward in the City of Ottawa.

Agreement between the two parties dated 2 November 1892 was submitted and approved.

1. On or before the 1st day of January 1894 the OA&PS shall construct at the said place and shall thereafter, at its own cost, maintain an overhead iron bridge sufficient to carry its railway above and across the railway operated by the CPR and of such strength and dimensions and of such design and material and workmanship as the Committee or any Engineer by it appointed for that purpose may from time to time direct, all of its parts being of such height above the tracks of the CPR as will from time to time and at all times meet the requirements of the law and of every order or direction of the Committee which may be made in every respect thereof and at such

distance apart as will always leave a clear opening from top to bottom of at least sixty feet at right angles for the exclusive use of the CPR.

2. Until the 1st January 1894 the OA&PS may make and use the said crossing by an overhead wooden bridge at the said place of such design as the Chief Engineer of Railways may direct, the clear opening at right angles being not less than eighteen feet.
3. CPR shall make no claim for the use of any land now occupied for its right of way which may be occupied by the OA&PS in constructing or using the said overhead crossing.

Draft Nov 2 1892

CPR to permit OA&PS to cross over the St. L&O from now to 1 Jan 1894 on a temporary trestle with a space sufficient in width not to interfere with their present single track not less than 18 feet at right angles to be replaced on or before 1 Jan 1894 by a permanent overhead bridge with an opening 60 feet in the clear at right angles, no charge to be made by the CP for the land occupied by such crossing. Also to allow the OA&PS to cross over their main line at the Nepean crossing up to 1 Jan 1894 on a temporary trestle of sufficient width not to interfere with their present single track to be replaced on or before that date by a permanent overhead bridge giving an opening of 45 feet in the clear at right angles no charge to be made by the CPR for the land occupied by the crossing, immediate possession of the land being required for both crossings to be given to the OA&PS also the CPR to haul all the timber required for the Nepean crossing from Ottawa to said crossing free of charge and to allow the same to be unloaded on their right of way at the point of crossing, the junior coy to do all the loading and unloading. The junior company to maintain the structure at all times as required by law and by any direction of the Railway Committee. If the CPR find it objectionable to allow the loading of this material on their main line then they shall furnish the iron rails and switches for a siding, the junior coy finding all other labour and materials necessary for such.

9 January 1894 Letter from Thos. Tait, Asst GM of CPR, Montreal to E.J. Chamberlin, GM OA&PS with copies to Collingwood Schreiber, Secretary of Railway Committee.

I beg to call your attention to the fact that Order of the Railway Committee of the Privy Council dated 22nd day of November 1892 which approved of the overhead crossing of the St. Lawrence and Ottawa Railway in the City of Ottawa as shown on the plan thereto attached was made expressly on the condition that on or before 1st day of January 1894 the Ottawa, Arnprior and Parry Sound Railway should construct at the said place and at its own cost an overhead iron bridge sufficient to carry its railway above and across our road according to the description therein more fully given.

This condition not having been fulfilled and authority from the Railway Committee contained in the said Order under which your Company's trains have been crossing our Road on an overhead wooden bridge, having expired on 1st instant, I have to notify you to discontinue crossing our Road with your trains.

I have to ask that you will give instructions to this effect at once and advise me that you have done so, as otherwise we will be obliged to remove the said overhead wooden bridge from our property.

A second letter was sent on the same date with the following modification in the first paragraph:

....overhead crossing of the Canadian Pacific Railway on Lot No.5 in the 2nd Con. Of the Township of Nepean as shown on the plan

11 January 1894 Letter from Chamberlain, OA&PS to Thos Tait, CPR

I reply to your letter of the 9th instant, respecting the crossing in Nepean, of the Canadian Pacific Railway, by the Ottawa, Arnprior and Parry Sound Railway, under the authority of an Order of the Railway Committee of the Privy Council dates November 22nd, 1892, I desire to point out to you that the terms of said Order are not as mentioned and implied in your letter also, that under the Order in question, your Company has no authority whatever nor any right to touch, or in any way disturb the structure in question, or any portion of the works of the Ottawa, Arnprior and Parry Sound Railway Company.

The facts re, that immediately after granting of the Order referred to, the works in connection with the overhead crossing were commenced and vigorously prosecuted and as early in the season as the weather would permit, the abutments were commenced and without delay whatever were pushed forward to completion.

These abutments are 31 feet high made of solid concrete masonry and very massive. The Chief Engineer has deemed it advisable to allow a reasonable time to elapse before erecting upon the abutments the heavy superstructures. No delay in the works has been permitted and the time occupied has not been unreasonable. It is my desire and intention that the work should be completed without any loss of time, but nothing will be done which may in any way impair the stability of the work. You have also enclosed with the former letter, one referring to the crossing by the Ottawa, Arnprior and Parry Sound Railway of the St. Lawrence and Ottawa Railway, and although such letter was not signed, I desire as the facts and circumstances about this crossing are identical with the former, that this my reply shall be accepted by you as an answer to both letters. I would add for the information of your Company that the bridges have both been ordered and will be erected at the earliest possible moment consistent with the stability of the abutments.

Trusting that this explanation will be satisfactory to your Company.

3 February 1894 Letter J.R. Booth, President OA&PS to Hon John Haggart, Chairman, Railway Committee.

Attaches copies of correspondence with CP

I regret that these crossings were not fully completed at the time mentioned on the Order of the Committee, the reason of which was that the Concrete work in the abutments was finished quite late in the Fall after the cold weather, notwithstanding that we had worked

steadily all summer, and as it is a well known fact that concrete does not set or harden after a certain degree of cold, our Engineer did not deem it advisable to risk the heavy superstructures on comparatively green concrete.

The abutments at both crossings are constructed ready to take the superstructures when they are sufficiently hardened.

I would respectfully ask that the time for completion be extended into next June in order to allow the concrete to set in warmer weather.

I may add I am not aware, nor does Mr. Tait allege, that the temporary structures in any way interfere with the free working of the Railways which has been passing thereunder since the order was given.

Orders of the Privy Council Railway Committee

22 November 1892

The OA&PS (Parry Sound Company) having applied to the Railway Committee of the Privy Council for its approval of the place and mode of a proposed crossing of the StL&O by the railway of the applicant, the mode being an overhead iron bridge and the place being that shown on the plan hereto annexed marked "A".

And the parties interested including the CP (Pacific Company) now operating the StL&O as lessee thereof having been heard before the Committee and having consented to the terms of the following order:-

- (1) On or before the first day of January AD1894 the Parry Sound Company shall construct at the said place, and shall thereafter at its cost maintain an overhead iron bridge sufficient to carry its railway above and across the said railway so operated by the Pacific Company as aforesaid, and of such strength and dimensions and of such design and material and workmanship as the Committee or any Engineer by it appointed for that purpose may from time to time direct, all its parts being at such height above the tracks of the Pacific Company as will from time to time and at all times meet the requirements of the law and of every order or direction of the Committee which may be made in respect thereof and at such distance apart as will always leave a clear opening from top to bottom of at least sixty feet at right angles for the exclusive use of the Pacific Company.
- (2) Until the said first day of January the Parry Sound Company may make and use the said crossing by an overhead wooden bridge at the said place of such design as the Chief Engineer of Government Railways may direct - the clear openings at right angles being not less than eighteen feet.
- (3) The Pacific Company is to make no claim for the use of any of the land now occupied for its right of way which may be occupied by the Parry Sound Company in constructing or using the said overhead crossing as above described.

9 February 1894

Whereas by an order dated 22 November 1892, the Railway Committee of the Privy Council approved the place and mode of crossing by the OA&PS of the StL&O (leased to the CP) the mode being an overhead iron bridge, the said bridge to be constructed on or before the 1st day of January 1894, in the meantime the use of a wooden bridge being allowed -

And whereas the OA&PS have represented that they have been unable to complete the said iron bridge by the time stated, and have requested an extension of time for the completion of the same -

And, having heard the applicants through their counsel at a meeting held on the 9th day of February 1894 (when counsel for the CP was also present and stated there was no objection on the part of that Company to the delay asked for being granted) and having duly considered the said application, the Committee authorizes an extension of time for the completion of the said iron bridge to the 1st day of July 1894 and the use of the present wooden structure until that date, the order of 22nd November 1892 as above being varied accordingly.