

Incorporation not forfeited by non-user before 1st January, 1834.

XXVI. *And be it further enacted by the authority aforesaid,* That the present Act of Incorporation shall in no wise be forfeited by any non-user at any time before the first day of January, One Thousand Eight Hundred and Thirty-four.

Legislature may make regulations as to the description of Notes which may be issued.

XXVII. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of Notes which may be issued by the said Bank as may be deemed necessary, nor shall any thing herein contained be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions which by any Act of the Parliament of this Province may be applied or enforced with respect to the Bank of Upper Canada.

## CHAP. XII.

*AN ACT to repeal part of and amend the Charter of the Niagara Canal Company.*

[Passed 28th January, 1832.]

Preamble.

WHEREAS the provisions of an Act passed in first Session of the Tenth Parliament of this Province, (among other things for Incorporating the Niagara Canal Company,) have been found to impose such restrictions upon the persons who might become Stockholders in the said Company, that persons have been deterred from investing their Capital in this undertaking, which is of such great importance to the Commercial prosperity of Niagara:—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Eleventh, Twelfth, Thirteenth and Fourteenth Clauses of the said Act be, and the same are hereby repealed.

10 Geo. 4, Chap. 9, Sec. 11, 12, 13 & 14, repealed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the Niagara Canal

Company, so soon as the Canal shall be completed, to appoint an Arbitrator, and for the Welland Canal Company to appoint one other Arbitrator, which two Arbitrators shall appoint a third, neither of whom shall be Stockholders, or otherwise interested in either of the said Companies, and who shall have full power to order, adjudge and determine, what sum shall be paid by the Niagara Canal Company for the supply of water which may be required for the supply of the Niagara Branch Canal :—  
*Provided always*, that nothing herein contained shall render such Arbitration necessary in case the said Welland Canal Company and Niagara Canal Company shall mutually agree upon the subject of the water to be used by the latter Company, which agreement may at all times be enforced by Mandamus : *Provided also*, that nothing in this or in any other Act of the Parliament of this Province contained, shall extend to require the Welland Canal Company to supply water to the Niagara Branch Canal to the injury of the Navigation or the Machinery upon the Welland Canal.

Niagara Canal Company and Welland Canal Company may appoint Arbitrators to determine the sum to be paid for the necessary supply of water.

If both Companies agree respecting the water, Arbitration shall not be necessary.

Waters not to be supplied to the detriment of the Navigation or Machinery on the Welland Canal.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the President of the said Company, by order of the Board of Directors, to contract with any Body Politic or Corporate, or with any private person or persons, for the Loan of any sum or sums of Money to be laid out in the completion of the said Canal, and for the securing the repayment thereof to execute one or more instrument or instruments in writing on behalf of the said Company as may be desired by the party or parties loaning the same, and which instrument or instruments shall be countersigned by the Secretary of the said Company.

Niagara Canal Company may contract Loans for completing the Work.

IV. *And be it further enacted by the authority aforesaid*, That the amount of the said award shall be credited to the Welland Canal Company on the sum first loaned to the said Company by this Province, and shall be, and the same is hereby declared to be an extinguishment of so much of the said debt as shall thenceforth constitute a part of the Capital Stock of the Niagara Canal Company, and shall be held by the Receiver General of this Province for the use of His Majesty, in like manner as the Stock held by him in the Bank of Upper Canada is held and accounted for on behalf of the Government of this Province.—*Provided always*, that such Stock shall not be considered as part of the Twenty-five Thousand Pounds authorised to be held by the said Company, but shall be subscribed and held on behalf of this Government in addition thereto ; *Provided also*, that nothing herein contained shall extend or be construed to extend to prevent the Parliament of this Province from authorising the extension of the said Branch Canal for the purposes of Ship Navigation at any future period, should it be thought expedient so to do.

Amount of the award for the water required to be credited the Welland Canal Company upon the amount of the first Loan by the Province.

Receiver General to hold Stock to the amount of money paid for the water.

Such Stock to form no part of the original Capital.

Branch Canal may hereafter be enlarged for Ship Navigation.

Government, to appoint one Director so long as Stock held on behalf of the Public.

V. *And be it further enacted by the authority aforesaid,* That in the event of any Stock being Subscribed in the Books of the Niagara Canal Company on behalf of the Government of this Province as aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to appoint annually one Director in the said Company, so long as any Stock shall be held on behalf of the Public, unless in any Act of the Parliament of this Province to be hereafter passed it shall be otherwise provided.

## CHAP. XIII.

*AN ACT to Incorporate a Joint Stock Company, to Improve the Navigation of the Grand River.*

[Passed 28th January, 1832.]

Preamble.

**W**HEREAS increasing the facilities and lessening the expenses of Transportation through a Country, enhance the value of that Country, by increasing the profit on Articles of Exportation, and lessening the expenses of living upon Articles of Importation: *And whereas* the Feeder of the Welland Canal has, and does, afford increased facilities for the Transportation of heavy Articles from that part of the Country, and for such Articles as are and may be at some seasons of the year Transported down the Grand River to that Point: *And whereas* the improvement of the Navigation of the Grand River from the Feeder of the Welland Canal to Brantford, by means of Dams, Locks, and other improvements that would render the passage of Rafts, Boats, and other Craft, more safe and certain at all seasons of the year, and admit of Boats and other Craft to return loaded with Imports to Brantford, would add very materially to the prosperity and improvement of the Country: *And whereas* William Holme, George Washington Whitehead, James Ingersoll, Absalom Shade, Jedediah Jackson and others, have Petitioned the Legislature to be Incorporated for the purpose of effecting, by means of a Joint Capital or Stock, such water communication from the said Feeder of the Welland Canal at Brantford: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to