

Laws of His Majesty's Province of Upper Canada, passed in the year 1825. Kingston: James MacFarlane, 1825.

6 George IV – Chapter 2

An Act to repeal part of, and extend the Provisions of, an Act passed in the Fourth Year of His present Majesty's Reign, entitled "An Act to Incorporate certain Persons therein mentioned, under the Style and Title of the Welland Canal Company." (Passed 13th April, 1825.)

Whereas, it is expedient to repeal part of, and amend, an Act passed during the last Session of the Parliament of this Province, entitled "An Act to Incorporate certain Persons therein mentioned, under the Style and Title of the Welland Canal Company;" and to enable the Directors thereof to enlarge the dimensions of the said Canal, if they shall think proper: 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 provisions for the Government of the said Province;" and by the authority of the same, That the Twenty Fourth clause, the Thirty Seventh clause, and so much of the Twenty Fifth Clause, of the said first mentioned Act, as declares the number of Shares shall not exceed Three Thousand, shall be, and the same are hereby, repealed; and that from and after the passing of this Act, the number of Shares to be held by the said Company, shall not exceed Sixteen Thousand, at Twelve Pounds Ten Shillings each.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the Land and Ground to be taken and used for the said Canal, the Towing Paths, Ditches, Drains, and Fences, to separate any such Towing Path from the adjoining Lands, shall not exceed Sixty Yards in breadth, except in such places where the said Canal shall be raised higher, or cut above Five Feet deeper than the present surface of the land; and in such places where it may be judged necessary for Boats and other Vessels and Rafts to turn, lie, or pass each other, not more than One Hundreds Yards in breath, without the consent of the owner or owners of such Lands or Grounds, respectively, under his, her, or their, Hand and Seal, first had and obtained, any thing in the said first mentioned Act, to the contrary, notwithstanding.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the President and Directors of the said Company, to extend the dimensions of the said Canal for the purposes of Sloop Navigation, if they shall see fit so to do, any thing in the said first recited Act, to the contrary, notwithstanding.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Company to construct a Track or Towing Path, from the Point where the Canal, from Lake Ontario, intersects the River Welland, to the Point where the Canal leaves the River Welland for the Grand River, and from the Point where it intersects the Grand River, on the Bank thereof to Lake Erie; Also, from the Point where the Canal from Lake Ontario, intersects the River Welland, to the Mouth of said

River on either Bank thereof, whichever the Company may find most convenient, and from thence to Fort Erie and the head of Niagara River; Provided always, nevertheless, that nothing in this Act contained shall be construed to prevent any person or persons, whatever, from having and enjoying the use of the said Rivers, or either of them, and of the Banks thereof, (subject to such regulations as may be made by the said Company, for the preservation of the Towing Paths or Tracks aforesaid) for all purposes, as fully, freely and effectually, as if this Act had never been made.

V. And be it further enacted by the authority aforesaid, That the authority given to the said Company in the third clause of the said recited Act, to construct Reservoirs, shall be construed to authorise them to execute the said Reservoirs (in the manner pointed out) on the line of the Canal, if to the said Company it shall seem expedient.

VI. And be it further enacted by the authority aforesaid, That so much of the Twenty Ninth clause of the said recited Act as requires the Election of Five Directors, be, and the same is hereby, repealed, and that the said Company shall elect in manner, and at the times pointed out by the said Act, Seven Directors annually, (one of whom shall be President), to manage the affairs of the said Company.

VII. And, whereas, doubts may be hereafter entertained with respect to the direction by which it was intended the said Canal should be conducted, in order to entitle the said Company to the privileges extended by the above recited Act, the same not having been otherwise declared in the said Act, than by reference to the Report of Mr. Hiram Tippet, Engineer: Be it therefore further enacted by the authority aforesaid, and declared, That the route along which the said Canal shall be conducted, shall be as follows – That is to say, that part thereof which is to connect the River Welland with Lake Ontario, shall commence at John Brown's Farm on the River Welland, in the Township of Thorold, passing down the Valley of the Twelve Mile Creek, and terminating in Lake Ontario, and the South of the said Creek, such being the Route Surveyed and reported by Hiram Tippet, Engineer, before the passing of the said Act, and referred to in the Nineteenth Section thereof; and that part thereof which is to connect the River Ouse, or Grand River with the River Welland, shall commence at or near Broad Creek, on the Grand River, and terminate at or near Misiner's Mills, on the Forks of the River Welland: Provided always, nevertheless, That if within Three Months after the passing of this Act, any stockholder in the said Company shall, by instrument in writing, executed in the presence of one or more witness, under their Hands and Seals, declare to the Presidents and Directors of the said Company, that they would not, under the Provisions of this Act, have taken Shares in the said Canal, such Stockholder shall be considered no longer liable to pay his Subscription, or any part thereof; and upon repayment to him of such instalments as he may have paid, his Shares shall thenceforth be forfeited.

VIII. And be it further enacted by the authority aforesaid, That nothing herein contained shall be construed to authorise the said Company to construct such Track or Towing Path as herein mentioned, in any manner, to interfere with, or prejudice the Property of any Person or Persons, having Mills, Store-houses, Wharves, or other Buildings, on the Banks of either of the said Rivers.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Directors now chosen, to procure without delay a Survey to be made of the Harbour at the Mouth of the Grand River, on Lake Erie, and of the entrance into the Twelve Mile Creek from Lake Ontario, by an

able and experienced Engineer, in order to ascertain whether secure & capacious Harbours can be constructed for Sloops and Schooners, intended to pass through the said Canal, at an expense which will not occasion the whole estimate to exceed the amount of Stock which the said Company are by this Act authorised to hold.

X. And be it further enacted by the authority aforesaid, That the whole amount of Stock now paid in, and remaining on hand, and such as shall hereafter be paid in upon the Subscription of the said Company, shall, from time to time, be deposited in the Bank of Upper Canada, and there placed to the credit of the Welland Canal Company, to be withdrawn only by order of a Board of Directors, signed by the President or Vice President, and counter-signed by the Secretary of the Board for the time being.

XI. And be it further enacted by the authority aforesaid, That no part of the Funds of the said Company shall, at any time, be appropriated to any purpose unconnected with the making the said Canal, and the Navigation thereof, unless, upon specific estimates submitted to a General Meeting of the Stockholders, to be legally called and approved of by a Majority of the Stockholders, attending such Meeting, or by his, or their, Agent, or Agents, duly authorised to act in his or their behalf.

XII. And be it further enacted by the authority aforesaid, That at, and after, the next General Election of Directors, no Person shall be eligible to be a Director of the said Company, who shall not be a Stockholder in the said Company to the amount of Twenty Shares, any thing in the Twenty Ninth clause of the said Act, passed in the Fourth Year of His Majesty's Reign, to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That the Honorable James Irvine, and Simon M'Gillivray, Esquire, in addition to the Five Directors already elected, shall constitute the Directors of the said Company [until] the next General Election, any thing in the Twenty Ninth clause of the said recited Act, to the contrary, notwithstanding.

XIV. And be it further enacted by the authority aforesaid, That the holder of Five Shares shall be entitled to One Vote; the holder of Twenty Shares to Two Votes; the holder of Fifty Shares, Three Votes, and the holders of One Hundred Shares and upwards, Four Votes, and all general Meetings of the Stockholders.

XV. And be it further enacted by the authority aforesaid, That at any time after Fifty Years, after the making and completing of the said Canal, His Majesty, His Heirs, and Successors, may assume the Possession and Property of the same, and of all and every the Works and Dependencies thereunto belonging, or in any wise appertaining, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective Shares, or of the Sums furnished and advanced by each Subscriber towards the making, and completing, the said Canal, together with such further Sum as will amount to Twenty Five Per Cent upon the Monies so advanced and paid, as a full indemnification to such Company; and the said Canal shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs, and Successors, who shall from thenceforth be substituted in the place or stead of the said Company, for all and every the purposes of this Act, in so far as regards the said Canal: Provided also, That it shall not be lawful for His Majesty, His

Heirs, or Successors, at any time after the expiration of the said Fifty Years, to assume the said Canal as aforesaid, unless it shall appear from the accounts of the said Company laid before the Legislature, that the Stockholders of the said Company shall have received every Year upon an average, the Sum of Twelve and a Half Per Cent for every Hundred Pounds, they shall be possessed of in the said concern.

XVI. And be it further enacted by the authority aforesaid, That if at any time after the passing of this Act, the said Canal shall be assumed by His Majesty, His Heirs, or Successors, as aforesaid, an account of the Toll and of all other Profits or Proceeds arising from the said Canal, and the property thereunto appertaining, shall be annually laid before the Provincial Legislature, and the Annual Amount thereof paid into the hands of His Majesty's Receiver General in this Province, as part of the Revenue thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs, and Successors, shall be graciously pleased to direct.