

Laws of His Majesty's Province of Upper Canada, passed in the year 1827. York: Robert Stanton, 1827.

8 George IV – Chapter 17

An Act for affording Public Aid towards the Completion of the Welland Canal. Passed 17th Feb'y. 1827.

Whereas it is necessary to afford public aid in furtherance of the great undertaking now in progress for uniting the waters of Lakes Erie and Ontario by a Canal, navigable for such Vessels as are ordinarily used for transport on the Lakes.

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, intituled, "*An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, '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 at any time before the first day of April next it shall be in the power of the Governor, Lieutenant Governor or Person Administering the Government, of this Province to direct His Majesty's Receiver General to subscribe Stock in the Welland Canal Company to the amount of Fifty Thousand Pounds, which Stock shall from thenceforth be held as, and deemed to be, public Stock, and that the Government of this Province shall, as the holders of such Stock be subject to the same conditions and have the same powers, advantages, and privileges as other Stockholders in the said Company.

II. And whereas it will afford great relief to the said Company to be enabled to avail themselves of the whole funds thus subscribed by the Government, without the delay of calling in instalments, and such advance will further enable the said Company to resume and continue then operations without the necessity of exacting from individual Stockholders such rapid advances of capital as they have hitherto, at great inconvenience, been compelled to furnish; And whereas it is reasonable that, in consideration of such facility to be afforded to the Company, the Government should be relieved from the immediate payment of interest on the sum to be advanced by them, Be it therefore enacted by the authority aforesaid, That before such sum of Fifty Thousand Pounds shall be advanced by the Government to the said Company, a written assent, under the seal of the said Company, shall be deposited with His Majesty's Receiver General for the time being, signifying that they are willing to accept the said subscription of Stock and the payment of the same in full, upon the Condition that the said Company shall pay to the Government, half yearly, the interest upon the said sum of Fifty Thousand Pounds, from the time of the same being advanced until the expiration of one year from and after the completion of the Welland Canal from the Grand River to Lake Ontario: Provided always nevertheless, that so soon as the proceeds of the said Canal shall afford to the Company a clear dividend of Six per

Centum upon the Capital advanced, such interest so paid to the Government shall be equitably adjusted as between the Government and the other Stockholders, in any dividends to be thereafter made.

III. And be it further enacted by the authority aforesaid, That the Welland Canal Company shall, before receiving the payment of the Stock to be taken under the authority of this Act, deposit with His Majesty's Receiver General a Bond under their Seal, in the penalty of Twenty Thousand Pounds, binding themselves to pay annually to His Majesty the legal interest upon such payment, until the expiration of one year after the whole Canal shall be finished.

IV. And be it further enacted by the authority aforesaid, That it shall be in the power of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, at any time in his discretion, to direct the Receiver General, for the time being, to sell and transfer the Stock so subscribed, or any portion thereof, so soon as its nominal value can be obtained, and that the sum to be received for the same shall be paid to and remain in the hands of His Majesty's Receiver General for the time being, subject to the disposition of the Legislature thereof.

V. And be it further enacted by the authority aforesaid, That the interest to be paid by the said Company within the period aforesaid, shall be applicable by His Majesty's Receiver General to the payment of interest on any Loan that may be contracted by the Government for the purposes of this Act, and that all such payments and dividends as may thereafter be paid to the Government on account of the said Stock shall and may be applicable to the public uses of this Province as the Legislature thereof may direct.

VI. And be it further enacted by the authority aforesaid, That the sum of money herein authorized to be raised by Loan and paid on account of Stock to be held in the said Company, shall not be subject to any deduction of poundage for the Receiver General of this Province.

VII. And whereas, to provide for the payment of the Stock to be subscribed as aforesaid, it is necessary to authorize the raising upon Debenture, the Sum of Fifty Thousand Pounds, in manner hereinafter mentioned: Be it therefore enacted by the authority aforesaid, That from and after the passing of this Act, it shall and may be Lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorize and direct His Majesty's Receiver General of this Province, to raise by Loan, at a rate of Interest not exceeding Six Pounds per Centum and as much lower as can be obtained from any Person or Persons, bodies Corporate or Politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures, authorized to be issued as hereinafter mentioned, such Sum not exceeding in the whole, Fifty Thousand Pounds, as may be required for the purposes of this Act.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Receiver General for the time being to cause or direct any number of Debentures to be made out for such Sum or Sums of Money, not exceeding in the whole the said Sum of Fifty Thousand Pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and shall be signed by him, and that for each Loan or Advance, three several Debentures shall issue at the same time, bearing date on the day on which the same shall be actually issued, and being each for the payment of one third of the Sum so advanced, at the expiration of periods not shorter than Two, Four, and Six Years respectively, with Interest according to the rate at which such Loan shall be negotiated, from the date of such Debenture until the same shall be discharged.

IX. And be it further enacted by the authority aforesaid, That all such Debentures with the Interest thereon, and all charges incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne out of the Monies that shall come into the hands of the Receiver General to and for the Public uses of this Province, and at the disposal of the Legislature thereof.

X. And be it further enacted by the authority aforesaid, That the Loan authorized by this Act shall be contracted for upon the express condition, that at any time either before or after the said Debentures, or any of them, which are by this Act directed to be issued, shall become due according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he shall think proper so to do, to direct a Notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures, to present the same for payment; and if, after insertion of the said Notice for Three Months, any Debenture shall remain out more than Six Months from the first publication of such Notice, all Interest on such Debentures, after the expiration of the said Six Months, shall cease and be no further payable, in respect to the time which may elapse between the expiration of the said Six Months, and their presentment for payment.

XI. And be it further enacted by the authority aforesaid, That all and every the provisions contained in a certain Act of the Parliament of this Province, passed in the Seventh Year of His Majesty's Reign, entitled, "An Act to authorize the Government to borrow a certain Sum of Money upon Debenture, to be loaned to the Welland Canal Company," respecting the Debentures, authorized by the said Act passing current, with certain Public Accountants, the payment of Interest upon the same by such Accountants, and the suspension of interest in certain cases, the submitting to the Legislature accounts of such Debentures, and the Interest paid thereon and the expenses attending the same, the payment of Interest to holders of such Debentures, the remuneration to the Receiver General for the services required by the said Act, paying off and cancelling the said Debentures; and also, the provision made in the Seventh Section of the said Act, for punishing the Forging of any Debenture thereby authorized to be issued, or of any matter or thing relating thereto, or the

knowingly uttering any such Forged Debenture, or other matter as aforesaid, shall apply to, and be in force in respect to the Debentures which shall be issued according to this Act.