

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1830. York: Robert Stanton, 1830.

11 George IV – Chapter 11

**An Act to Grant a further Loan to the Welland Canal Company, and to Regulate their further operations. Passed 6th March, 1830.**

Most Gracious Sovereign.

Whereas the Welland Canal has been so far completed as to allow the passage of Vessels from Port Dalhousie, on Lake Ontario, to Chippewa, on the Niagara River, above the Falls of that River: And whereas an Act was passed in the Eight year of Your Majesty's Reign, entitled, "An Act to enable the President and Directors of the Welland Canal Company to accept an aid from His Majesty's Government towards the completion of the said Canal, and to secure to His Majesty the free use thereof," whereby, in consideration of the one-ninth of the estimated cost of the said Canal to be paid by Your Majesty to the said Canal Company, the free use of the said Canal was secured to Your Majesty, and the Locks of the said Canal were enlarged to certain dimensions stipulated, in behalf of Your Majesty, by Your Majesty's Secretary of State for the Colonies: And whereas the said Act is still in full force and effect, but the said aid not having been yet advanced by Your Majesty, (though Your Majesty's faithful Commons have every confidence that the said aid will be extended by Your Majesty) and the said Company, from the want of the said aid, and other causes, are unable to complete the said Canal so as to render the same at all times fit for Navigation, from Port Dalhousie, on Lake Ontario, to the mouth of the River Welland: and it is therefore necessary to Grant the said Company immediate aid, to insure the progress of the said Canal between the said places.—We therefore pray Your Majesty that it may be enacted:—And be it 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 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, 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 under this Act, a Sum not exceeding Twenty-five Thousand Pounds, at a rate of Interest not exceeding six per centum; and that, as soon as the said Sum of Twenty-five Thousand Pounds, or any part thereof, shall be so raised, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue his Warrant upon the said Receiver General for the same, in favor of the said Welland Canal Company, upon the terms and conditions hereinafter provided,

respecting the same, which Sum of Money, when payable as aforesaid, in favor of the said Company, shall be paid into the hands of the President of the said Company, to be held and applied by him to and for the uses of the said Company in the completion of the said Canal, under the terms and conditions of this Act.

II. And be it further enacted by the authority aforesaid, That the expenditure of the said Sum of Twenty-five Thousand Pounds shall be limited to the payment of the debts due by the said Welland Canal Company, and to the completion of the said Canal between Lake Ontario and the mouth of the said Canal near Chippewa, on the River Niagara, and that no further expenditure shall be made until the condition of the Deep Cut, on the said Canal, shall be examined and Reported to His Excellency the Lieutenant Governor, by the person appointed by this Act for that purpose: Provided always, that it shall be lawful for the said Company to enlarge the Feeder of the said Canal, now in progress, to such a width as will afford a sufficient supply of water for Navigating the said Canal from the River Welland to Lake Ontario, and no wider.

III. And be it further enacted by the authority aforesaid, That the Sum of Money hereby authorized to be raised by Loan shall not be subject to any deduction of Poundage for the Receiver General of this Province, any Law, Usage or Custom to the contrary thereof, notwithstanding.

IV. 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 Twenty-five 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 Seven, Nine, and Eleven 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.

V. 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.

VI. 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.

VII. 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.

VIII. And be it further enacted by the authority aforesaid, That the said Receiver General of this Province for the time being, shall not pay or advance to the Welland Canal Company any Sum or Sums of Money specified in or by virtue of any Warrant or Warrants which may be from time to time issued in their favor by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, under the authority of this Act, until the said Welland Canal Company shall have delivered to the said Receiver General a Bond or Bonds, or Writing or Writings, obligatory to our Sovereign Lord the King, His Heirs and Successors, duly Sealed and Executed under the Seal of the said Welland Canal Company, in the Penal Sum of double the amount to be secured thereby, such Bond or Bonds, Writing or Writings, obligatory respectively, to be conditioned for the payment to the said Receiver General, to and for the use of our said Lord the King, His Heirs and Successors, the Sums or Sums of Money specified in the said Warrant or Warrants that may be from time to time issued in favor of the said Welland Canal Company, by virtue and under the authority of this Act, and at such period or periods respectively, as the Debenture or Debentures upon which such Sum or Sums of Money, so to be from time to time advanced to the said Company, by way of Loan, may have been raised, shall respectively become due and payable, according to the terms thereof, together with the legal Interest thereon, at the rate of six per cent per annum: such Interest to be paid to the said Receiver General, to and for the use of our Sovereign Lord the King, His Heirs and Successors half-yearly, computed from the date or dates of the said Bond or Bonds, Writing or Writings, obligatory respectively; and which

Bond or Bonds, Writing or Writings, obligatory respectively, shall be prepared and made out in such method and form as the said Receiver General shall think most safe and proper.

IX. And be it further enacted by the authority aforesaid, That upon payment by the said Company to the Receiver General of this Province for the time being, of the Principal or Interest upon any Sum or Sums of Money from time to time lent and advanced to the Welland Canal Company, by virtue of any such Warrant or Warrants issued under the authority of this Act, according to the condition, true intent and meaning of any Bond or Bonds to be given by the said Company for securing the same, as by this Act required, such Receiver General shall deliver to the said Company a Receipt or Receipts for the same, under his Hand, which Receipt or Receipts, so signed and delivered, shall be, and are hereby declared to be, a full and sufficient acquittance or acquittances to the said Company, for the Sum or Sums therein respectively mentioned and specified.

X. And be it further enacted by the authority aforesaid, That all and every Sum and Sums of Money from time to time paid into the hands of the Receiver General of this Province, by the said Welland Canal Company, as a Principal or Interest upon any Bond or Bonds of the said Company, given by virtue of this Act, shall remain in the hands of such Receiver General of this Province, at the disposal of the Legislature thereof; and that all Sums of Money paid under the authority of this Act, shall be accounted for to His Majesty through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

XI. And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Welland Canal Company to make any Canal or Channel, for the purposes of Navigation, except the said Feeder, of the dimensions as aforesaid, between the said Welland Canal and Lake Erie, or the Grand River, without further Legislative provision for that purpose, any Act or Law of this Province to the contrary notwithstanding.

XII. Provided always, nevertheless, and be it further enacted by the authority aforesaid, That nothing herein contained shall be construed to restrain or prevent the said Company, after the completion of the said Canal from Port Dalhousie to the Entrance of the said Canal into the Niagara River, to apply such Sum of Money as may be necessary, in the formation and construction of a Towing-Path along the Niagara River, from Lake Erie to the entrance of the said Canal.

XIII. And be it further enacted by the authority aforesaid, That Robert Randal, of the District of Niagara, Esquire, shall be, and he is hereby appointed, Commissioner, under and by virtue of this Act, to examine the said Canal, and particularly the Section thereof called the Deep Cut, and to Report to His Excellency the Lieutenant Governor, or Person Administering the Government for the time being, for the information of the Legislature, the condition of the said Canal, and Deep Cut thereof, and particularly to examine and report upon the strata of which the said Deep Cut is composed; the effect which the Seasons have already had thereon, and the probability there is of the stability or instability of the Banks of the said

Deep Cut, with the facts and reasons upon which such opinion of their stability or instability is founded; and to examine and report, particularly, upon the Wooden Locks of the said Canal; their sufficiency, probable durability, and expense of repair; and to examine and report upon the Harbour at the Twelve Mile Creek, and the condition, practicability, and sufficiency thereof; and to examine and report upon the condition of the Dam erected across the Grand River, and the effects from overflowing, or otherwise, produced by the same; and to examine and report the condition of the Feeder from the Grand River to the said Canal, and whether it would not be practicable and advantageous to have a feeder from another, and higher Point of the said Grand River, together with all such other and further facts and information as the said Commissioner may deem useful, in aid of forming a correct opinion of the said work; its progress, condition, and future usefulness.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government for the time being, to remunerate the said Robert Randal for his duties and services aforesaid, and for any disbursements he may have to make in the discharge of such duties and services, to such an amount as His Excellency the Lieutenant Governor or Person Administering the Government for the time being, shall think fit, and to issue His Warrant or Warrants for such amount upon the Receiver General of this Province, in favor of the said Robert Randal, which amount shall be paid out of any monies in the hands of the said Receiver General unappropriated, and subject to the disposal of the Legislature.