

Laws of His Majesty's Province of Upper Canada, passed in the year 1837. York: Robert Stanton, 1837.

7 William IV – Chapter 60

An Act granting a Loan to the City of Toronto and Lake Huron Rail Road Company, and for other purposes therein mentioned. Passed 4th March, 1837.

Whereas it is for the benefit of this Province, that the City of Toronto and Lake Huron Rail Road should be completed with as little delay as possible: And whereas, it is expedient and right to afford aid to this undertaking by way of Loan, to be secured in manner hereinafter mentioned: 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 whenever the City of Toronto and Lake Huron Rail Road Company, shall produce to the Receiver General of this Province, satisfactory evidence, by the affidavits of the President and two of the Directors of the said Company and by such other proof and evidence as the Receiver General shall reasonably require, that the sum of Twelve Thousand Five Hundred Pounds, shall have been paid in by the Stockholders of the said Company upon the Capital Stock thereof, and that the said sum has been actually expended in the construction of the said Rail Road, the said Receiver General shall issue and deliver to the said Company, Government Debentures, in sums not less than Fifty Pounds, at the option of the said Company, to the amount of Thirty-seven Thousand Five Hundred Pounds, bearing interest at a rate not to exceed six per centum, payable half yearly, and redeemable in twenty years; and that when and so often as the said Company shall produce like evidence to the Receiver General of further sums, not less than One Thousand Two Hundred and Fifty Pounds at each time, having been paid in by the Stockholders of the said Company upon the Capital Stock Subscribed, and that the same has been actually expended as aforesaid, the Receiver General shall issue and deliver to the said Company, Government Debentures for a sum of Three Thousand Seven Hundred and Fifty Pounds, in sums not less than Fifty Pounds, at the option of the said Company, bearing interest at a rate not to exceed six per centum, payable half yearly, and redeemable in twenty years, until the whole amount of said Debentures shall equal the sum of One Hundred Thousand Pounds.

II. And be it further enacted by the authority aforesaid, That no part of such Debentures shall be delivered to the said Company, until the acceptance thereof shall be signified to the Receiver General, by filing in his Office a Certificate of such acceptance, under the Corporate Seal of the Company; which said Certificate or Certificates shall be recorded in the Office of the Registrar of the Province, and shall thereupon become, and be, to all intents and purposes, a Mortgage and Mortgages of the said Rail-road, and every part and section thereof, with all its appurtenances, to this Province, for securing the payment of the principal and interest of the sums of money for which such Debentures shall, from time to time, be issued and accepted, as aforesaid.

III. And be it further enacted by the authority aforesaid, That the said Debentures shall be made payable to the said Company, or their order, and may be assigned and transferred by the said Company; and that the said Company shall enter upon Books, to be kept by them for that purpose, each and every Debenture, together with the name or names of such person or persons, Body or Bodies Corporate, as they shall assign the same to, and furnish, from time to time, an account thereof to the Receiver General.

IV. And be it further enacted by the authority aforesaid, That the said Company shall make provision for the punctual redemption of said Debentures, and for the punctual payment of the interest thereon, so that the Revenues of this Province shall be exonerated from all loss and expense, or from any advance of money for that purpose; and that the Tolls and income which shall accrue from the use of the said Road, when the same or any part thereof shall be constructed, after paying the necessary repairs and expenses of conducting the business thereof, shall be pledged for the payment of the said principal and interest.

V. And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Company, to execute or create any lien or incumbrance on the said Rail-road, or its appurtenances, other than for the purposes required under this Act, until such Debentures, and the interest thereon, shall have been fully paid and satisfied; and that every lien or incumbrance which shall or may be executed or created, other than for the purposes specified in this Act, shall be held to be fraudulent and void, as against any lien or incumbrance executed, filed and recorded, as hereinbefore provided.

VI. And be it further enacted by the authority aforesaid, That the said Company shall expend, in the laying out and construction of said Road, all the monies paid by the Stockholders of the said Company upon the Stock subscribed, together with the monies to arise from the sale or transfer of said Debentures; and shall annually render to each Branch of the Legislature a true account thereof, verified by the Oath or Affidavits of the President, and any two of the Directors of the said Company, with a full Statement of the Receipts and Expenditures, with the proper Vouchers for all payments.

VII. And be it further enacted by the authority aforesaid, That no part of such Debentures, so authorised, shall be issued to the said Company, unless the regular payment of the interest thereon shall, at the time of issuing every or any such Debenture or Debentures, be further secured by personal obligations, to the satisfaction of the Lieutenant Governor, and the Executive Council of this Province.

VIII. And be it further enacted by the authority aforesaid, That if the Receiver General shall be compelled to pay the interest upon any Debenture or Debentures, issued for raising any sum or sums of money, to be loaned to the said Company, pursuant to the provisions of this Act, such interest not having otherwise been paid, the amount thereof so from time to time advanced, shall be raised, levied and collected, from the inhabitants of the City of Toronto, and of the Home or such other District, through which the said Rail-road shall pass, paying or liable to pay the ordinary

Taxes now by Law imposed upon property, liable by Law to be rated and assessed, and shall be collected in the same manner, as other Taxes are by Law collected by the Collectors of the City, and of the several Townships in the said District or Districts, and paid by them into the hands of the Chamberlain of the said City, and of the Treasurers of the said Districts, who shall forthwith pay over the same to the Receiver General; which said additional rate shall be raised, levied and collected, under and by virtue of any order of His Majesty's Justices of the Peace for the said District or Districts respectively, in General Quarter Sessions assembled, and of the Common Council of the said City, made in pursuance of any application of the said Receiver General for that purpose, upon its being made to appear that the interest upon the said loan has not been otherwise paid and discharged, under the provisions of this Act.

IX. And be it further enacted by the authority aforesaid, That if any monies shall be raised by Assessment, and applied for the purposes of this Act, the amount so advanced and paid, with the interest accruing thereon, shall be repaid by the said Company into the hands of the Chamberlain, Treasurer or Treasurers, of the said City, District or Districts, respectively, to the extent of the sum advanced, before any Dividends shall be paid to the Stockholders of the said Company; and that the monies so repaid to such Chamberlain, Treasurer or Treasurers, shall be a fund subject to the disposition of the Legislature, and applicable only to public improvements in the said City, District or Districts, respectively.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Company to purchase, hold, let, demise and convey, any real estate adjoining to or surrounding their Station-houses: Provided always, that the same shall, in no one instance, exceed six hundred acres.

XI. And be it further enacted by the authority aforesaid, That no person shall be capable of being elected a Director of the said Company, who shall not be a Stockholder to the amount of at least twenty Shares.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Company to construct a Branch Rail-road to any point or place on Lake Simcoe, where they shall deem it expedient, upon and with the same powers, terms and conditions, and subject to the same limitations, provisions and conditions, as are expressed of and concerning the construction of the City of Toronto and Lake Huron Railroad, in the Act incorporating the Company, for the construction of the said Rail-road.