

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

7 William IV – Chapter 92

**An Act to provide for the permanent completion of the Welland Canal, and for other purposes herein mentioned. Passed 4th March, 1837.**

Whereas under the provisions of several Acts of the Parliament of this Province, the sum of One Hundred and Seven Thousand, Five Hundred Pounds, has been subscribed as Public Stock in the Welland Canal Company, and the further sum of One Hundred and Two Thousand Pounds, has been loaned by the Government to the said Company, under the provisions of several other Acts: And whereas, it is expedient to convert the said loans into Public Stock, and further to extend the public aid of this Province to the said Company, so as to effect the completion of the said Canal, in a substantial and permanent manner, with Stone Locks: And whereas, it is expedient to repeal part of, and amend the Laws relating to the said Welland Canal: And whereas, it is expedient to provide, for a careful examination and survey of the Route of the said Canal, in order to ascertain what changes in the same (if any) would be for the public interest: 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 so much of the twenty-fifth clause of an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "*An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company,*" as limits the number of shares of the Stock in the said Company to Two Thousand; and also the twenty-ninth clause of the said Act; and also so much of the first clause of an Act passed in the sixth year of the reign of His said late Majesty, entitled, "*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,*" as limits the number of shares to be held by the said Company to Sixteen Thousand; and also the sixth and eleventh clauses of the said last mentioned Act; and also so much of an Act passed in the seventh year of His said late Majesty, as makes the said Company liable for the payment of the sum of Twenty-five Thousand Pounds, and Interest thereon, to the Government of the Province, advanced under the provisions of the said last recited Act; also so much of an Act passed in the eleventh year of His said late Majesty, entitled, "*An Act to grant a further loan to the Welland Canal Company, and to regulate their further operations,*" as makes the said Company liable for the payment of the further sum of Twenty-five Thousand Pounds, and Interest thereon, to the Government of this Province, advanced under the provisions of the said last recited Act, by way of loan; also so much of an Act passed in the first year of His present Majesty's reign, entitled, "*An Act to afford further aid to the Welland Canal Company, and to repeal part of and amend the Laws now in force relating to the said Company,*" as makes the said Company liable for the payment of the sum of

Fifty Thousand Pounds, and the Interest thereon, to the Government of this Province, advanced under the provisions of the said last recited Act, by way of loan; and also the second and eighth clauses of an Act passed in the fourth year of the reign of His present Majesty, entitled, "*An Act to alter and amend the Charter, and increase the Stock of the Welland Canal Company, and to authorise His Majesty's Receiver General to subscribe Stock in the said Company, on behalf of this Province,*" be and the same are hereby repealed.

II. And be it further enacted by the authority aforesaid, That the said sum of One Hundred and Two Thousand Pounds, advanced to the said Company, by way of loan, as aforesaid, shall hereafter be held as, and deemed to be Public Stock in the said Company.

III. And be it further enacted by the authority aforesaid, 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 further Stock in the said Company, to the amount of Two Hundred and Forty-five Thousand Pounds, and that the same, together with the amount of the said loans, converted into Stock as aforesaid, shall from thenceforth be held as, and deemed to be Public Stock, and that the Government of this Province shall, as the holder of such Stock, be subject to the same conditions, and have the same powers, advantages and privileges, as other Stockholders in the said Company.

IV. And be it further enacted by the authority aforesaid, That the Capital Stock of the said Company shall be Five Hundred and Ninety-seven Thousand, Three Hundred Pounds, divided into Forty-seven Thousand, Seven Hundred and Eighty-four Shares, of the value of Twelve Pounds Ten Shillings each, and shall be held as follows:—By the Government of Upper Canada, Thirty-six Thousand Three Hundred and Sixty—by the Government of Lower Canada, Two Thousand—by Private Stockholders, Nine Thousand Four Hundred, and Twenty-four.

V. And be it further enacted by the authority aforesaid, That during the present year, it shall and may be lawful for the Directors of the said Company, to expend such sums as may be necessary for temporary Repairs, payment of Debts now actually due, and for the purchase of the Real Estate and Hydraulic Works and Sites hereinafter mentioned, so as the whole sum to be expended for all these purposes, shall not exceed Forty-five Thousand Pounds.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Directors, immediately after the passing of this Act, to appoint two scientific and practical Engineers, not in any way interested in the Stock or Property, Debts or Effects of the said Canal, whose duty it shall be to examine into the state of the Canal, the present Route, and to explore the Country surrounding the present Route, and to report fully on the propriety or necessity, as regards the public interests only, of altering the present Route, or any part thereof, and the expense of making the said Canal a permanent work, either on the present or on any other Route which they may recommend; and that the Directors of the said Canal may, during the present year, expend a sum of the amount granted by this Act, which, together with the sum hereinbefore authorised to be expended, shall not in the whole exceed One Hundred Thousand Pounds, in the permanent construction of the said Canal, on that part only of its present Route from which the

said Engineers, in their Report so to be made as aforesaid, shall not recommend any deviation, or in procuring Materials for such improvement.

VII. And be it further enacted by the authority aforesaid, That the Report of the said Engineers shall be laid before both branches of the Legislature, at their next ensuing Session, and that no expenditure of the amount granted by this Act, beyond that already authorised and pointed out, shall be made until after the end of the said next ensuing Session.

VIII. And be it further enacted by the authority aforesaid, That the Stock, Property, affairs and concerns, of the said Corporation, shall be managed by five Directors, three of whom shall be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and two elected by the Stockholders, annually, on the first Monday in April in every year, at the Office of the said Company, at such time of the day as the Directors for the time being shall appoint, and Public Notice shall be given by the said Directors, in the Upper Canada Gazette, and three other Newspapers in this Province, at such time and place, not more than sixty nor less than thirty days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Private Stockholders of the said Company as shall attend for that purpose, in their own proper persons, or by proxy; and all Elections for Directors shall be by Ballot, and so soon as may be after the Election of Directors as aforesaid, the five Directors, or such of them as shall attend for that purpose, shall appoint one of their number to be President: Provided always, that no person shall be eligible to be elected a Director as aforesaid, who shall not be a British Subject, resident in the Province, and who shall not be a Stockholder to the amount of at least Ten Shares: And provided further, that no Act requiring the assent of the Board shall be adopted, unless three of the Directors shall concur therein.

IX. And be it further enacted by the authority aforesaid, That the first Election of Directors, on the part of the Stockholders, shall take place at the Office of the Welland Canal Company, on the first Monday in April next, at the hour of twelve, noon.

X. And be it further enacted by the authority aforesaid, That any vacancy occurring in the Office of any Director, appointed or elected under the authority of this Act, by death, resignation, removal from the Province, or otherwise, shall be filled in the same manner as is provided for the original appointment or election.

XI. And be it further enacted by the authority aforesaid, That in order to provide more effectually for the proper expenditure of the monies to be granted by this Act, and for the careful superintendence of the said work, so that all casualties may, as speedily as possible, be repaired, and the Canal kept in a navigable state, it shall and may be lawful for the Directors appointed and elected as aforesaid, to appoint, by the vote of a majority, some one person, not being one of their own body, with such salary as they may think reasonable, to have the control, care and superintendence of the said work, and to take all necessary measures, subject to the control of the said Directors, for keeping the same in good repair, and for rendering the use thereof convenient to the persons navigating the said Canal; and that the said Superintendent may be removed by a vote of the majority of the said Directors, and another appointed in his place: Provided, that due

notice shall be given to all the Directors of the intention to propose the appointment or removal of such Superintendent, so that they may all have an opportunity of attending the Meeting that may be called for that purpose.

XII. And whereas, it is of much consequence for making the said Canal effective, that the entire control of the water passing through the same, should be at all times within the power of the said Company, and to that end it is desirable that the several situations along the line of the said Canal, possessing Hydraulic advantages and which have been heretofore alienated by the said Company, should be again acquired by them, in order that the same may be leased upon such terms as will prevent any danger of obstruction to the use of the Canal: And whereas, the proprietors of the sites or situations possessing the Hydraulic advantages, have signified their willingness to re-convey the same to the said Company, with all buildings, works and improvements, erected thereon, upon the consideration, that they shall receive from the said Company the amount of monies paid by them for the purchase of the said sites, and for the improvements which they have placed thereon respectively: Be it therefore further enacted by the authority aforesaid, that no part of the monies granted by this Act, except that which may be required for unavoidable repairs, shall be paid by the Receiver General, until it shall be shewn to his satisfaction, that the Directors of the said Company have obtained from the proprietors of the sites or situations aforesaid, a valid conveyance of the same, and of all the buildings and improvements erected and made thereon, to the said Welland Canal Company; and that all liability whatsoever of the said Company, under the agreement made in the month of June, in the year of our Lord one thousand eight hundred and thirty-four, between the President and Directors of the Welland Canal Company, of the one part, and Alexander McDonell, John B. Yates, and Ogden Creighton, of the second part, for the re-purchase of a certain portion of the real estate, and Hydraulic privileges of the said Canal, shall be absolutely and entirely released and discharged; and the said Directors are hereby authorised, to contract with the said proprietors of the said Hydraulic sites and works aforesaid, for the re-purchase thereof, upon the terms aforesaid, and to pay the amount that shall be necessary for that purpose out of any monies which shall come into their hands, under the provisions of this Act: Provided always, that the whole expense of the re-purchase, including any liability under the said agreement of June, one thousand eight hundred and thirty-four, shall, in no case, exceed Twenty Thousand Pounds.

XIII. 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 of this Province, to authorize and direct His Majesty's Receiver General, to issue and deliver to the Directors to be appointed and elected under the provisions of this Act, the Debentures of this Province, to the amount of Two Hundred and Forty-five Thousand Pounds, in sums not less than Fifty Pounds each, as may be required by the said Directors, payable to the order of the said Company forty years from the date of such Debentures, bearing an interest not exceeding Six per Cent per Annum, payable half-yearly in this Province.

XIV. And be it further enacted by the authority aforesaid, That all such Debentures as are hereby authorized to be issued, and the interest thereon, 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 said

Directors, from Tolls; and in case default shall be made in the payment thereof by the said Directors, the same shall be paid by the Receiver General out of any monies in his hands, at the disposal of the Legislature, and unappropriated.

XV. And be it further enacted by the authority aforesaid, That all and every the provisions contained in the said recited Act, passed in the seventh year of His late Majesty's reign, entitled, "*An Act to authorise the Government to borrow a certain sum of money upon Debenture, to be loaned to the Welland Canal Company,*" respecting the Debentures authorised by the said Act, passing current with certain Public Accountants; the suspension of interest in certain cases; the submitting to the Legislature accounts of such Debentures, and the interest paid thereon, (when any shall be paid from the Revenues of this Province,) and the expenses attending the same; 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 authorised 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.

XVI. And be it further enacted by the authority aforesaid, That the Board of Directors shall report to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the information of the Legislature, on or before the first day of December in each and every year, all matters by them done or performed, in discharge of the duties of their office, with an account, in detail, of all monies by them received and paid, with the proper vouchers for all payments made by them.

XVII. And be it further enacted by the authority aforesaid, That the Tolls received upon the Canal, after deducting the amount required for the charges now made thereon by Law, or so much thereof as shall be necessary, shall be first annually applied to discharge the interest which will accrue upon the said sum of Two Hundred and Forty-five Thousand Pounds, to be advanced for the purposes aforesaid, and the remainder of the income received by the said Company, shall be divided among the private Stockholders, until it shall equal Six per Cent on the amount of their investments.