

The Provincial Statutes of Canada, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

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An Act to appropriate certain sums of Money for Public Improvements in this Province, and for other purposes therein mentioned. 18th September, 1841.

Most Gracious Sovereign.

Whereas it will conduce to the prosperity and advancement of this Province, that the Public Works hereinafter mentioned, be undertaken and completed with the least possible delay; May it therefore please Your Majesty, that it may be enacted And be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, that for the construction and completion of the Public Works of this Province, there be granted to Her Majesty, Her Heirs and Successors the sum of one million, six hundred and fifty-nine thousand six hundred and eighty-two pounds, Sterling, which said sum shall be applied and expended under the charge and superintendence of the Board of Works of this Province, for the erection and completion of the following Public Works, and in the proportions and within the periods hereinafter mentioned; that is to say:

For the Welland Canal, the sum of four hundred and fifty thousand pounds, Sterling;

For the Improvement of the Navigation of the Saint Lawrence, exclusive of Lake Saint Peter, six hundred and ninety-one thousand six hundred and eighty-two pounds, Sterling;

For the Improvement of the Navigation of the Lake Saint Peter, fifty eight thousand five hundred pounds, Sterling;

For the Burlington Bay Canal, forty five thousand pounds, Sterling;

For improving the internal waters of the Newcastle District, the construction of Slides, Locks, and certain Roads leading thereto, fifty thousand pounds, Sterling;

For constructing or improving Harbours and Light Houses on Lakes Ontario and Erie, and Roads leading thereto, seventy-four thousand pounds, Sterling;

For improving the River Richelieu, twenty-one thousand pounds, Sterling;

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For improving the River Ottawa, and building Bridges and constructing Slides on the same, twenty-eight thousand pounds, Sterling;

For improving the Bay of Chaleurs Road between Percé Point and the Indian Mission, and a portion of the Metis or Kempt Road, fifteen thousand pounds Sterling;

For improving and completing the Gosford Road between Quebec and the Eastern Townships, through the block of land possessed by the Government, ten thousand pounds, Sterling;

For improving and completing the main northern Road from Lake Ontario at Toronto, to Lake Huron, continuing and perfecting the same from the termination of the portion already undertaken by the District of Barrie, establishing Toll Bars thereon, and improving sundry parts thence to Penetanguishine, and on the Cold Water Portage, thirty thousand pounds, Sterling;

For improving the main Province Road from Quebec to Amherstburg and Port Sarnia, building certain Bridges on the same between Montreal and Quebec, and improving those portions of the line along which the River or Lakes are not now available for the transport of the Mails, that is to say:

To macadamize or otherwise improve that portion between the Cascades and the Province line, and to establish Toll bars thereon, fifteen thousand pounds, Sterling;

To macadamize or otherwise complete that portion from the termination of the part already undertaken by the District of Brantford to London, and establish Tolls thereon, fifty-five thousand pounds, Sterling;

To drain, trunk, form, and otherwise improve the Road thence to Port Sarnia, fifteen thousand pounds, Sterling;

To drain, trunk, form, and otherwise improve the Road from London to Chatham, Sandwich and Amherstburg, fifty-five thousand pounds, Sterling;

For building Bridges over the large Rivers between Quebec and Montreal, thirty-four thousand pounds, Sterling;

For the completion of the Military Road, from the Ottawa near L'Orignal to the Saint Lawrence, fifteen hundred pounds, Sterling;

For the formation of a line of Road, from Hamilton to Port Dover, thirty thousand pounds, Sterling.

II. And be it enacted, that from and after the passing of this Act, all Directors or Commissioners appointed by or under the authority of any of the Laws now in force, authorizing the construction or carrying on of any of the said works and improvements shall be superseded, and their respective offices shall cease and be determined to all intents and purposes whatsoever: and that

all and every the powers and authorities conferred upon any such Directors or Commissioners in or by any such Law or Laws shall be transferred to and shall and may be used, exercised and enjoyed by, and under the direction of, the Board of Works, in as full and ample a manner to all intents and purposes, as the same might or lawfully could be used, exercised or enjoyed by such Directors or Commissioners or any number of them, respectively: Provided that nothing herein contained, shall diminish or affect the authority and powers of the Commissioners appointed by or under the authority of an Act of the Legislature of the late Province of Upper Canada, passed in the third year of the Reign of His late Majesty King William the Fourth, and intituled *An Act granting to Her Majesty a sum of Money, to be raised by Debenture, for the improvement of the River Saint Lawrence*, in so far as regards the settlement of the claims for compensation for damages, made under the said Act by any person whomsoever before the passing of this Act; but such powers and authorities, and all the provisions of the said Act, shall, in so far as regards any such claim, be and remain in full force and effect, as if this Act had not been passed: and provided also, that nothing herein contained shall in anywise affect the rights or powers of the Stockholders of the Capital Stock of the Welland Canal Company, or any Directors by them elected according to Law.

III. Provided always, and be it enacted, that nothing herein contained shall be construed in anywise to annul, discharge, vacate or make void, any contract, agreement, debt, or liability lawfully made, entered into or incurred by or to such Directors or Commissioners; but that every such contract, agreement, debt or liability shall be performed, fulfilled, paid and discharged to or by the said Board of Works in like manner and subject to the same conditions as it would have been to or by the said Directors or Commissioners if they had continued in office.

IV. And be it enacted, that it shall be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province, from time to time, and as occasion shall require, to raise by Loan the said sum of one million six hundred and fifty-nine thousand six hundred and eighty-two pounds, Sterling, for the construction and completion of the several Public Works hereinbefore enumerated.

V. And be it enacted, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, 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 amount hereinbefore authorized to be raised, as any person or persons, body or bodies corporate or politic, shall agree to advance upon such Debentures, with interest payable half yearly at a rate not exceeding the rate of five pounds, for every hundred pounds, by the year, and which said Debentures shall be made payable at twenty years from the date thereof.

VI. And be it enacted, that all such Debentures and interest thereon, and the charges incident thereto or attending the same, shall be and are hereby declared to be charged and chargeable upon and shall be borne and paid out of the consolidated Revenue Fund of this Province.

VII. And be it enacted, that if any person or persons shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act and remain uncanceled, or any stamp, Indorsement, or writing thereon or therein, or shall tender in payment any such forged or

counterfeited Debenture, or any Debenture with such counterfeited indorsement or writing thereon, or shall demand to have such counterfeit Debenture, or any Debenture with such counterfeited indorsement or writing thereupon or therein, exchanged for ready money by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment or demanded to be exchanged, or the indorsement or writing thereupon or therein, to be forged or counterfeited, and with intent to defraud Her Majesty, Her Heirs or Successors, or the person appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer punishment accordingly.

VIII. And be it enacted, that the Receiver General of this Province, for the time being, shall before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or person administering the Government of this Province, a correct account of the numbers, amount and dates of the different Debentures which may have been issued under the authority of this Act, of the amount of the Debentures redeemed by him, and the interest paid thereon, respectively, and also of the amount of the said Debentures outstanding and unredeemed at the period aforesaid, and of the expenses attending the issue of the same and of carrying this Act into effect.

IX. And be it enacted, that the interest accruing upon the said Debentures shall and may be demandable at half yearly periods computing from the date thereof, and shall and may be paid on demand by the Receiver General of this Province for the time being, who shall take care to have the same indorsed on each Debenture at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the parties, respectively; and that the Governor, Lieutenant Governor, or person administering the Government of this Province, shall after the thirtieth day of June, and the thirty-first day of December in each and every year, issue Warrants to the said Receiver General, for the payment of the amount of interest that shall have been advanced according to the receipts to be by him taken as aforesaid.

X. And be it enacted, that a separate Warrant shall be made to the Receiver General, by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, for the payment of each Debenture as the same may become due and be presented, in favor of the lawful holder thereof, and that such Debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said Receiver General.

XI. And be it enacted, that at any time hereafter it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, if he thinks proper so to do, to direct a notice to be inserted in the Gazette, requiring all holders of such of the said Debentures as shall be then redeemable to present the same for payment, and if (after insertion of the said notice for three months,) any Debenture then payable 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.

XII. And be it enacted, that there shall be annually laid before both Houses of the Legislature of this Province, accounts in detail of the expenditure made in the prosecution of the several Public Works hereinbefore mentioned, and also of the rates and tolls received on account of each of said works, respectively.

XIII. And be it enacted, that the due application of the Monies herein granted shall be accounted for to Her Majesty, Her Heirs, and Successors, through the Lords Commissioners of the Treasury, in such manner and form as Her Majesty, Her Heirs or Successors shall be graciously pleased to direct.