

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

4 & 5 Victoria – Chapter 33

An Act to facilitate the negotiation of a Loan in England, and for other purposes therein mentioned. 18th September, 1841.

Most Gracious Sovereign,

We Your Majesty's Most dutiful and loyal Subjects the Legislative Assembly of the Province of Canada in Parliament assembled, having taken into our serious consideration the present state of the Public Debt of this Province, and the Message of Your Majesty's Governor General of this Province, transmitting a Despatch from Your Majesty's Principal Secretary of State for the Colonies, bearing date the third day of May, in the year of our Lord one thousand eight hundred and forty one, and containing among other things the following passage:—

“The Queen's Government coincide in your views of the expediency of making such an arrangement as may employ the credit of this Country for the benefit of the Finances of Canada, and have given their consideration to the plan proposed in your Despatches. They are of opinion that such an arrangement, if it can be carried into effect with the consent of the Creditors, would be, in every way, desirable; but they feel that the objections to a Bill compelling parties to receive payment of their money in breach of agreement entered into with them by competent authority, are insuperable.”

“Her Majesty's Government are ready to give any assistance in conformity with your proposal, which does not appear to them inconsistent with good faith. They are ready to propose to Parliament to guarantee a Loan which may be required for Public Works, (under the restrictions suggested by you,) for the repayment of such part of the Debt as may be now redeemable, or may be held by Creditors who shall declare themselves willing to accept reasonable terms,”—and being desirous of lessening the charge of the said Debt as well as of making provisions for the continuance and completion of Public Works commenced in this Province, by means of a Loan at a reduced rate of interest, under the guarantee proposed in the said Despatch, humbly beseech 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 after the charges made on the consolidated Revenue Fund of this Province, under and by virtue of the said Act of the Parliament of Great Britain and Ireland, the said consolidated Fund shall be charged and chargeable with the payment of the interest and principal of any new Debentures, Loan, or Stock not exceeding the sum of one million five hundred thousand pounds, sterling, money of Great Britain, which shall be raised or created on behalf of this Province, by virtue of this Act or of any Act or Acts of the

Parliament of Great Britain and Ireland, to be passed for the raising and creating any such Loan or Stock, or for the purpose of guaranteeing the payment of the same and interest thereon by this Province.

II. And be it enacted, that in case it shall be necessary to effect such Loan, it shall and may be lawful for the Governor of this Province to authorize Debentures to the amount of one million five hundred thousand pounds of sterling money, to be issued in such form and payable at such period, and for such sums, and at such rate of interest as shall be most convenient and as shall be in accordance with the terms in which such new Loan may be guaranteed as aforesaid.

III. And be it enacted, that all and every the provisions of a certain Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of His late Majesty King George the Fourth, and intituled *An Act to authorize the Government to borrow a certain sum of Money upon Debentures to be loaned to the Welland Canal Company*, which relate to the Debentures authorized by that 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, and the expenses attending the same,—and the paying off and cancelling the said Debentures,—and also the provisions contained in the seventh section of the said Act, declaring and making the forging any such Debenture or any stamp, writing or endorsement thereon or therein,—and the tendering in payment any such forged Debenture, or any Debenture with such counterfeit stamp, endorsement or writing thereupon or therein,—and the demanding to have such counterfeit Debenture, or any Debenture with such counterfeit stamp, endorsement or writing thereupon or therein, exchanged for ready money by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing such Debenture or the stamp, endorsement or writing thereupon or therein to be forged or counterfeited, and with intent to defraud as in the said Act is mentioned.—Felony and subjecting the person or persons guilty thereof, to suffer as in cases of Felony, shall be and are hereby enacted and declared to be in force with regard and in respect to all and every Debenture or Debentures to be issued in pursuance of this Act.

IV. And be it enacted, that it shall be lawful for the Governor of this Province to nominate and appoint such person or persons, as he shall think the most fit for the purpose of arranging and negotiating the mode and terms in and upon which such new Loan or Stock may be most advantageously raised or created, and to advance and pay to the person or persons so employed such sums of money as shall be reasonable and necessary to defray the expenses attending his or their employment; and that such person or persons (subject to instructions to be from time to time given to him or them by the Governor of this Province), send have full power and authority to negotiation behalf of this Province, in such form and manner, as shall be rendered necessary by any such Act or Acts to be passed by the Parliament of Great Britain and Ireland, or as shall be directed and approved by Her Majesty's Principal Secretary of State for the Colonies for the time being.

V. And be it enacted, that it shall and may be lawful for the Governor of this Province, out of the monies to be raised by any such new Stock or Loan, to direct and order the payment in full of all

and every the Public Debentures of the late Provinces of Upper and Lower Canada, or of either of them, which are now due or which may hereafter be lawfully called in for the payment thereof, or which shall become due and payable, together with all interest due or to become due thereupon.

VI. And be it enacted, that it shall and may be lawful for the Governor of this Province, to authorize and direct the redemption of any Debenture or Debentures of either of the said late Provinces, out of the monies so to be raised, as aforesaid, at such rates and upon such terms and conditions as shall and may be agreed upon with the holder or holders thereof: Provided always, that in no case shall any greater sum than is expressed in any such Debenture, together with the interest due and unpaid, be paid for the redemption of the same.

VII. And be it enacted, that all Executors, Administrators, Guardians, Trustees, Tutors, Curators, and all Curators or Committees of the Estates of Idiots and Lunatics, or absentees who shall as such have the custody or control of or over any such Debentures in this Province, may agree for the redemption thereof and receive the sums of money to be respectively paid therefor, and shall hold and be accountable for such sums as they shall respectively receive for any such Debenture upon, with, under, and subject to the same uses, trusts, powers, conditions and purposes as such Debentures were subject or liable to, when in their possession, custody or controul.

VIII. And be it enacted, that the residue of the monies so to be raised as aforesaid, after redemption of such Debentures, shall be paid to and remain in the hands of the Receiver General of this Province, subject to such disposal and appropriation as the Legislature may from time to time, by any Act or Acts direct and appoint.

IX. And be it enacted, that all monies to be raised by such Loan or Stock, as aforesaid, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs, and Successors shall be graciously pleased to direct.